

MONTANA LEGISLATIVE HISTORY

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Chapter 469 19 95

Bill H 482 S _____ Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Feb 14 ✓ C

Feb 15 ✓ C

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Date Out Feb 15 ✓ C

S. Committee on Judiciary

Hearing Date(s) Mar 16 ✓ C

Mar 22 ✓ C

_____ C

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Mar 22 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

INTRODUCED BY

House BILL NO. 482

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PARENTAL NOTIFICATION PRIOR TO AN ABORTION FOR A MINOR OR INCOMPETENT PERSON; PROVIDING A JUDICIAL WAIVER OF NOTIFICATION; PROVIDING PENALTIES; AMENDING SECTION 4-11-405, MCA, AND REPEALING SECTION 50-20-107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 10] may be cited as the "Parental Notice of Abortion Act".

NEW SECTION. Section 2. Legislative purpose and findings. (1) The legislature finds that:

(a) immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences;

(b) the medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when the patient is immature;

(c) the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related;

(d) parents ordinarily possess information essential to a physician in the exercise of the physician's best medical judgment concerning the minor;

(e) parents who are aware that their minor daughter has had an abortion may better ensure that the daughter receives adequate medical care after the abortion; and

(f) parental consultation is usually desirable and in the best interests of the minor.

(2) The purpose of [sections 1 through 10] is to further the important and compelling state interests of:

(a) protecting minors against their own immaturity;

(b) fostering family unity and preserving the family as a viable social unit;

(c) protecting the constitutional rights of parents to rear children who are members of their

1 household; and

2 (d) reducing teenage pregnancy and unnecessary abortion.

3
4 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 10], unless the context
5 requires otherwise, the following definitions apply:

6 (1) "Actual notice" means the giving of notice directly in person or by telephone.

7 (2) "Coercion" means restraining or dominating the choice of a minor female by force, threat of
8 force, or deprivation of food and shelter.

9 (3) "Emancipated minor" means a person under 18 years of age who is or has been married or who
10 has been granted an order of limited emancipation by a court as provided in 41-3-406.

11 (4) "Incompetent person" means a person who is an incapacitated person or a protected person
12 who has had a guardian appointed pursuant to Title 72, chapter 5.

13 (5) "Medical emergency" means a condition that, on the basis of the physician's good faith clinical
14 judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate
15 abortion of the woman's pregnancy to avert the woman's death or a condition for which a delay in
16 treatment will create serious risk of substantial and irreversible impairment of a major bodily function.

17 (6) "Physical abuse" means any physical injury intentionally inflicted by a parent or legal guardian
18 on a child.

19 (7) "Physician" means a person licensed to practice medicine under Title 37, chapter 3.

20 (8) "Sexual abuse" has the meaning given in 41-3-102.

21
22 **NEW SECTION. Section 4. Notice of parent required.** A physician may not perform an abortion
23 upon a minor or an incompetent person unless the physician has given at least 48 hours' actual notice to
24 one parent or to the legal guardian of the pregnant minor or incompetent person of the physician's intention
25 to perform the abortion. The actual notice may be given by a referring physician. The physician who
26 performs the abortion must receive the written statement of the referring physician certifying that the
27 referring physician has given actual notice. If actual notice is not possible after a reasonable effort, the
28 physician or the physician's agent shall give alternate notice as provided in [section 5].

29
30 **NEW SECTION. Section 5. Alternate notification.** In lieu of the actual notice required by [section

4), notice may be made by certified mail addressed to the parent at the usual place of residence of the parent with return receipt requested and delivery restricted to the addressee, which means a postal employee may deliver the mail only to the authorized addressee. Time of delivery is considered to occur at noon on the next day on which regular mail delivery takes place after mailing.

NEW SECTION. Section 6. Exceptions. Notice is not required under [section 4 or 5] if:

(1) the attending physician certifies in the patient's medical record that a medical emergency exists and there is insufficient time to provide notice;

(2) notice is waived, in writing, by the person entitled to notice; or

(3) notice is waived under [section 9].

NEW SECTION. Section 7. Coercion prohibited. A parent, a guardian, or any other person may not coerce a minor to have an abortion. If a minor is denied financial support by the minor's parents, guardian, or custodian because of the minor's refusal to have an abortion, the minor must be considered an emancipated minor for the purposes of eligibility for public assistance benefits. The public assistance benefits may not be used to obtain an abortion.

NEW SECTION. Section 8. Reports. A monthly report indicating the number of notices issued under [sections 1 through 10] and the number of times in which exceptions were made to the notice requirement under [section 6], as well as the type of exceptions, must be filed with the department of health and environmental sciences on forms prescribed by the department. Patient names may not be used on the forms. The department shall prepare and make available to the public on an annual basis a compilation of the data reported.

NEW SECTION. Section 9. Procedure for judicial waiver of notice. (1) The requirements and procedures under this section are available to minors and incompetent persons whether or not they are residents of this state.

(2) (a) The minor or incompetent person may petition the youth court for a waiver of the notice requirement and may participate in the proceedings on the person's own behalf. The petition must include a statement that the petitioner is pregnant and is not emancipated. The court may appoint a guardian ad

1 item for the petitioner. A guardian ad litem is required to maintain the confidentiality of the proceedings.
2 The youth court shall advise the petitioner of the right to court-appointed counsel and shall provide the
3 petitioner with counsel upon request.

4 (b) If the petition filed under subsection (2)(a) alleges abuse as a basis for waiver of notice, the
5 youth court shall treat the petition as a report under 41-3-202. The provisions of Title 41, chapter 3, part
6 2, apply to an investigation conducted pursuant to this subsection.

7 (3) Proceedings under this section are confidential and must ensure the anonymity of the petitioner.
8 All proceedings under this section must be sealed. The petitioner may file the petition using a pseudonym
9 or using the petitioner's initials. All documents related to the petition are confidential and are not available
10 to the public. The proceedings on the petition must be given preference over other pending matters to the
11 extent necessary to ensure that the court reaches a prompt decision. The court shall issue written findings
12 of fact and conclusions of law and rule within 48 hours of the time that the petition is filed unless the time
13 is extended at the request of the petitioner. If the court fails to rule within 48 hours and the time is not
14 extended, the petition is granted and the notice requirement is waived.

15 (4) If the court finds by clear and convincing evidence that the petitioner is sufficiently mature to
16 decide whether to have an abortion, the court shall issue an order authorizing the minor to consent to the
17 performance or inducement of an abortion without the notification of a parent or guardian.

18 (5) The court shall issue an order authorizing the petitioner to consent to an abortion without the
19 notification of a parent or guardian if the court finds, by clear and convincing evidence, that:

20 (a) there is evidence of a pattern of physical, sexual, or emotional abuse of the petitioner by one
21 or both parents, a guardian, or a custodian; or

22 (b) the notification of a parent or guardian is not in the best interests of the petitioner.

23 (6) If the court does not make a finding specified in subsection (4) or (5), the court shall dismiss
24 the petition.

25 (7) A court that conducts proceedings under this section shall issue written and specific findings
26 of fact and conclusions of law supporting its decision and shall order that a confidential record of the
27 evidence, findings, and conclusions be maintained.

28 (8) The supreme court may adopt rules providing an expedited confidential appeal by a petitioner
29 if the youth court denies a petition. An order authorizing an abortion without notice is not subject to
30 appeal.

(9) Filing fees may not be required of a pregnant minor who petitions a court for a waiver of parental notification or appeals a denial of a petition.

NEW SECTION. Section 10. Criminal and civil penalties. (1) A person convicted of performing an abortion in violation of [section 4 or 5] shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(2) Failure to provide the notice required under [section 4 or 5] is prima facie evidence in an appropriate civil action for a violation of a professional obligation. The evidence does not apply to issues other than failure to notify the parents or guardian. A civil action may be based on a claim that the failure to notify was the result of a violation of the appropriate legal standard of care. Failure to provide notice is presumed to be actual malice pursuant to the provisions of 27-1-221. [Sections 1 through 10] do not limit the common-law rights of parents.

(3) A person who coerces a minor to have an abortion is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. On a second or subsequent conviction, the person shall be fined an amount not less than \$500 and not more than \$50,000 and be imprisoned in the state prison for a term not less than 10 days and not more than 5 years, or both.

(4) A person not authorized to receive notice under [section 5] who signs a notice of waiver as provided in [section 6(2)] is guilty of a misdemeanor.

Section 11. Section 41-1-405, MCA, is amended to read:

"41-1-405. Emergencies and special situations. (1) ~~Any~~ A health professional may render or attempt to render emergency service or first aid, medical, surgical, dental, or psychiatric treatment, without compensation, to any injured person or any person regardless of age who is in need of immediate health care when, in good faith, the professional believes that the giving of aid is the only alternative to probable death or serious physical or mental damage.

(2) ~~Any~~ A health professional may render nonemergency services to minors for conditions ~~which~~ that will endanger the health or life of the minor if services would be delayed by obtaining consent from spouse, parent, parents, or legal guardian.

(3) ~~No consent shall~~ Consent may not be required of ~~any~~ a minor who does not possess the mental

1 capacity or who has a physical disability ~~which~~ that renders ~~him~~ the minor incapable of giving ~~his~~ consent
2 and who has no known relatives or legal guardians, if a physician determines that the health service should
3 be given.

4 (4) Self-consent of minors ~~shall~~ does not apply to sterilization or abortion, except as provided in
5 [sections 1 through 10]."

6
7 NEW SECTION. Section 12. Right of intervention. Pursuant to Rule 24(a), Montana Rules of Civil
8 Procedure, a legislator has the right to intervene in any case in which the constitutionality of Title 50,
9 chapter 20, is challenged.

10
11 NEW SECTION. Section 13. Repealer. Section 50-20-107, MCA, is repealed.

12
13 NEW SECTION. Section 14. Codification instruction. [Sections 1 through 10] are intended to be
14 codified as an integral part of Title 50, chapter 20, and the provisions of Title 50, chapter 20, apply to
15 [sections 1 through 10].

16
17 NEW SECTION. Section 15. Severability. If a part of [this act] is invalid, all valid parts that are
18 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
19 applications, the part remains in effect in all valid applications that are severable from the invalid
20 applications.

21 -END-

3/24	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/27	HEARING		
3/28	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/29	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/07	REVISED FISCAL NOTE RECEIVED		
4/08	REVISED FISCAL NOTE PRINTED		
4/11	MOTION FAILED TO CONCUR WITH AMENDMENTS ON 2ND READING	38	62
4/12	FREE CONFERENCE COMMITTEE APPOINTED		
	DIED IN PROCESS		

HB 480 INTRODUCED BY ARNOTT, ET AL.

IMPLEMENT ARTICLE X, SECTION 8, OF THE MONTANA CONSTITUTION BY
CLARIFYING THE BOARD OF PUBLIC EDUCATION'S AUTHORITY TO
ADOPT ACCREDITATION STANDARDS THAT REQUIRE A SCHOOL
DISTRICT TO EMPLOY ADMINISTRATIVE PERSONNEL

2/08	INTRODUCED		
2/08	FIRST READING		
2/08	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/09	FISCAL NOTE REQUESTED		
2/13	HEARING		
2/13	FISCAL NOTE RECEIVED		
2/14	FISCAL NOTE PRINTED		
2/15	COMMITTEE REPORT—BILL PASSED		
2/16	2ND READING PASSED AS AMENDED	75	24
2/18	3RD READING PASSED	76	24
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/13	HEARING		
3/16	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

HB 481 INTRODUCED BY KOTTEL, ET AL.

REVISE LAWS GOVERNING PSYCHOLOGISTS

2/08	INTRODUCED		
2/08	FIRST READING		
2/08	REFERRED TO HUMAN SERVICES & AGING		
2/13	HEARING		
2/13	TABLED IN COMMITTEE		
2/14	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/20	FISCAL NOTE PRINTED		
2/23	MISSED TRANSMITTAL DEADLINE		
	DIED IN COMMITTEE		

HB 482 INTRODUCED BY GRIMES, ET AL.

REQUIRE PARENTAL NOTIFICATION PRIOR TO AN ABORTION FOR A MINOR
OR INCOMPETENT PERSON

2/08	INTRODUCED		
2/08	FIRST READING		
2/08	REFERRED TO JUDICIARY		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/18	2ND READING PASSED AS AMENDED	61	36

2/21	3RD READING PASSED	61	34
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO JUDICIARY		
3/16	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED AS AMENDED	30	19
3/29	3RD READING CONCURRED	31	19
	RETURNED TO HOUSE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS CONCURRED	63	36
4/06	3RD READING AMENDMENTS CONCURRED	61	37
4/10	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 469		
	EFFECTIVE DATE: 10/01/95		

HB 483 INTRODUCED BY ELLIS, ET AL.

SUBMIT TO QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO
ORDINANCE NO. 1, WITHDRAWING THE DISCLAIMER OF RIGHT AND
TITLE TO UNAPPROPRIATED PUBLIC LANDS

2/08	INTRODUCED		
2/08	FIRST READING		
2/08	REFERRED TO NATURAL RESOURCES		
2/13	HEARING		
2/13	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE		
	DIED IN COMMITTEE		

HB 484 INTRODUCED BY DEBRUYCKER, ET AL.

RELATE TO PROVISION OF HEALTH CARE FOR MEDICAID RECIPIENTS

2/08	INTRODUCED		
2/08	FIRST READING		
2/08	REFERRED TO HUMAN SERVICES & AGING		
2/09	FISCAL NOTE REQUESTED		
2/13	HEARING		
2/14	FISCAL NOTE RECEIVED		
2/14	FISCAL NOTE PRINTED		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	94	3
2/20	REFERRED TO APPROPRIATIONS		
3/13	REVISED FISCAL NOTE REQUESTED, AS AMENDED BY HUMAN SERVICES & AGING COMMITTEE		
3/16	REVISED FISCAL NOTE RECEIVED		
3/16	REVISED FISCAL NOTE PRINTED		
3/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/21	2ND READING PASSED	76	24
3/22	3RD READING PASSED	86	13
	TRANSMITTED TO SENATE		
3/23	FIRST READING		
3/23	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/24	HEARING		
3/27	COMMITTEE REPORT—BILL CONCURRED		
3/29	2ND READING CONCURRED AS AMENDED	50	0
3/30	3RD READING CONCURRED	47	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/04	2ND READING AMENDMENTS CONCURRED	87	12

REP. BRAINARD said he guessed they could hold county-wide elections as to who they thought was the chief law enforcement officer, but essentially there would be nothing prohibiting a sheriff from asking the county attorney staff to run the background check. His personal interpretation was that there is a difference between being a member of the judiciary, in a sense, or being an attorney and actually being in law enforcement. The duties of the county sheriff would be considered law enforcement.

CHAIRMAN CLARK relinquished the chair to VICE CHAIR SHIELL ANDERSON.

REP. BILL CAREY asked the sponsor to outline the current practice between jurisdictions with regard to city police chiefs and sheriffs and how this bill would change current relationships between them.

REP. BRAINARD said it does appear that in many situations where there are not many municipalities, the county officials work closely with municipal law enforcement.

Closing by Sponsor:

REP. BRAINARD closed.

HEARING ON HB 482

Opening Statement by Sponsor:

REP. DUANE GRIMES, HD 39, made his opening remarks for HB 482 which dealt with parental notification prior to abortion for minors. The intent of the bill was to recognize the traditional rights of parents to direct the rearing of their children as well as afford them the opportunity to discuss medical histories and other vital information with physicians. It was intended to encourage teenagers to talk with those who know them best in making the decisions which would have a long term affect on them. The sponsor said that this type of legislation has been shown to effect reduced pregnancy and abortion rates among teens because it increases their responsibility. The sponsor discussed the various sections of the bill and proposed amendments.

CHAIRMAN CLARK resumed the chair.

Proponents' Testimony:

Sharon Hoff, Montana Catholic Conference, offered written testimony as a proponent of HB 482. EXHIBIT 5

Georgia Branscome asked the committee to support HB 482. EXHIBIT 6

Charles Lorentzen cited the need for parental permission for children for a wide variety of things including dispensing of aspirin but the withholding of information to parents for giving permission for abortion. EXHIBIT 7

CHAIRMAN CLARK relinquished the chair to VICE CHAIR DIANA WYATT.

Linda Lindsay stood as a proponent of HB 482 and as a volunteer with a program which serves unwed teenaged mothers. She described the average age of these mothers as 15, one to one and a half years behind in school with very low self-esteem, most in a highly emotional state. She felt they needed someone to support them and said this bill would provide an advocate in cases where they could not approach their families for that support. She felt it would provide increased communication in the family.

Arlette Randash, Eagle Forum, submitted testimony about how teenagers are given oversight in other situations for their protection. EXHIBIT 8

Richard Tappe, Montana Right to Life, cited the provision in HB 482 for judicial bypass which enhanced its probability of being upheld. He said the significance in this bill was that the bypass would also be treated as a complaint. The teenager could appear before the judge and ask to bypass the parents and if the reasons included abuse or incest, that information would be forwarded to the appropriate authorities. In cases where abortion has served to cover a crime within the family, this would allow for the protection of the teen. Citing a number of instances where a child has died as a result of complications following abortion, he said that parents needed to have been informed to assist with medical and other information in the possible prevention of such deaths.

Tammy Peterson presented her personal testimony. EXHIBIT 9

Laurie Koutnik, Montana Christian Coalition, supported HB 482 because it would return the rights where they belong--with the parents. As a former foster parent in group homes, she experienced the effects of abortion on women. She submitted written testimony of a woman who had had an abortion. EXHIBIT 10

Georgia Branscome submitted a list of names of persons supporting HB 482. EXHIBIT 11

Informational Testimony: EXHIBITS 12 and 13 are submitted as proponents' testimonies for HB 482.

Opponents' Testimony:

Kate Cholewa, Montana Women's Lobby, spoke in opposition to HB 482. EXHIBIT 14

Devon Hartman, OB-GYN Nurse Practitioner, Intermountain Planned Parenthood, and Manager, Planned Parenthood in Helena, opposed HB 482. EXHIBIT 15

Beth Sherman, Freshman, Capitol High School, opposed HB 482 by saying that it did not make sense to her to provide for protection in the area of their immaturity in making a decision, while not protecting them from their immaturity in raising a child.

Elisa Fraser, Executive Director, Montana Affiliate of National Abortion and Reproductive Rights Action Group (NARAL), said they were in agreement that minors benefit from talking to an adult. But she objected to the bill requiring that a child talk to their parents when that might not be appropriate or to a judge who would be a stranger. She submitted written information in support of her position in opposition to HB 482. EXHIBIT 16

Brenna Dorrance, Sophomore, Capitol High School, said she thought many times laws are based on ideals instead of reality which she thought to be the case with this bill. Denial of consent raised two issues for her in that the girls might turn to home abortions; and who would raise and pay the support for the child. She objected to government involvement in this issue.

{Tape: 1; Side: B}

Mary Skjelset, Junior at Capitol High School, said she represented many young women of the state and asked the committee to oppose the bill. She said they would look at the bill from their own perspective of loving parents or grandparents, but that not all children have that experience. She objected to the concept of a girl being forced to approach a judge for the determination when parents cannot be approached or to be forced to confront an incestuous father with her pregnancy. She felt the Montana constitutional right to privacy would be violated with the passage of this bill. She believed that the individual alone could know what would be best for herself in this situation. She asked that the committee trust the young women of the state to know themselves better than the parents or law makers would.

Chris Schweitzer, Junior at Capitol High School, testified in opposition to the bill. She believed that most teenagers do not come from families who are supportive. She believed that more often than not they are a part of families which are abusive or substance abusing. Going to a court of law amongst strangers was unacceptable to her. She felt that parents are often more immature than the teenager.

Scott Crichton, Executive Director, ACLU, submitted written testimony in opposition to HB 482. EXHIBITS 17 and 18

Informational Testimony:

Robert Torres, National Association of Social Workers, said they had several questions concerning the intent of the bill and would register neither as an opponent or proponent.

Letters from Geoffrey Birnbaum, Missoula Youth Homes, Deborah Frandsen, Planned Parenthood of Missoula are included as EXHIBITS 19 and 20 in opposition to HB 482.

Literature in opposition to HB 482 is submitted. EXHIBITS 21-23.

Questions From Committee Members and Responses:

REP. SHEA asked the sponsor if the purpose of section 8 was to determine the effectiveness of the law.

REP. GRIMES said it would provide for the keeping of statistics.

REP. SHEA wondered how effective it would be and if there was any ability to track those who had crossed state borders or had had illegal abortions or had committed suicide.

REP. GRIMES did not believe that was the purpose and any cases like that would not be reflected in the statistics. Secondly, however, he said statistics gathered from other forums did not substantiate the things she had mentioned.

REP. SHEA asked if this would give a clear picture of how sexist this proposed law was if it only centered on those who are subjected to it rather than including girls who might be in those positions.

REP. GRIMES said that if she had suggestions for changing the reports, he would agree to that. He stated that the proposed bill reflected how the information is currently reported in other states. He said that if there are cases which do occur as she suggested they would be front page news immediately.

REP. SHEA asked if the sponsor would agree that in other [adult] situations with abortions, these restrictions do not exist and she asked how they would then be reported.

REP. GRIMES replied that in those states which do have parental notification, and even those that don't, if those things do occur, they would become immediate public information. He believed that there are checks and balances if those things do occur. The purpose of the section is not to produce statistics; it just would determine how many would be using it and the judicial bypass.

REP. KOTTEL asked if the sponsor supported HB 450 which would hold a 12-year-old responsible for crimes as an adult.

REP. GRIMES said he had not looked at nor heard about that bill. (He was absent at the time of the hearing.)

REP. KOTTEL asked if he would support the concept of holding any person over the age of 12 who was charged with a violent offense being tried as an adult.

REP. GRIMES said his philosophy was that they should have stiffer penalties and hold them accountable for the crimes they commit. He said he would not want to incarcerate them along with adult offenders. He wasn't sure how it pertained to this bill.

REP. KOTTEL said it pertained to the issue because it presented a conflict for her; i.e., in attempting to pass legislation which would hold that a 12-year-old is an adult for any criminal actions, but at the same time to hold that 14-year-old girls are children who cannot make decisions.

REP. GRIMES said that he did not believe that the decision-making capabilities of the youth were going to be inhibited by this, but that they were saying that the parents who are responsible and know the medical needs of their offspring and who would be financially responsible for long-range needs should be the ones who are notified.

REP. HURDLE referred to the testimony and statistics from the Minnesota parental notification law and asked if she understood that the rate of first trimester abortions had dropped after the enactment of parental notification.

Mr. Lorentzen answered in the affirmative.

REP. HURDLE asked if he had statistics for the second trimester abortions.

Mr. Lorentzen said he did not.

REP. HURDLE stated for his information that they had increased 18%.

REP. HURDLE asked why they would be making legislators the police in this act.

REP. GRIMES objected to that characterization of the bill. He restated the intent of the bill was to give a parent the right to know that their child was going to have a major surgery.

REP. HURDLE said she was referring to section 12 which said that a legislator has the right to intervene in any case. She asked for an explanation.

REP. GRIMES clarified the section as providing that if the attorney general would refuse to take action on cases like this, the legislature would be allowed to intervene.

REP. HURDLE said the wording correctly was, "legislator."

Mr. Tappe referred to a recent court case dealing with this matter, and said, "The attorney general entered into a consent agreement which essentially 'gutted' that portion of the Montana Abortion Control Act which dealt with parental notification. In spite of repeated attempts, those who opposed that ruling were not allowed to participate in the procedure. In those cases where they do not feel well-represented, it would be possible for a legislator to intervene in the process to bring testimony concerning legislative intent." Otherwise they would be shut out and the will of the legislature which reflects the will of the people would not be expressed but obviated by a court decision.

REP. HURDLE asked if that meant a legislator would go to court when the teenager might be seeking judicial bypass.

Mr. Tappe answered, "No."

REP. HURDLE then asked exactly what situation would call for a legislator to intervene.

Mr. Tappe gave the example of the bill being challenged on constitutional grounds. Those who knew what the intent of the bill was and had enacted it had information which would effectively express their interests and the interests of the people would have the power to intervene. He would not have to be invited or be a party of the court case, he could intervene in the process by presenting the information.

{Tape: 1; Side: B; Approx. Counter: 21}

REP. HURDLE asked the sponsor if a minor has to have parental consent in Montana for treatment of a sexually transmitted disease.

REP. GRIMES clarified that the bill is one of notification and not consent. He did not know if parents are notified for a teen to receive treatment for a sexually transmitted disease.

Ms. Randash said she believed they were not required to notify in those cases.

REP. HURDLE asked a series of questions to discover if the parental notification in this bill was compatible with other Montana laws.

REP. LINDA MC CULLOCH referred to exhibits which indicated that pro-abortion proponents do not want parents notified and asked that that be addressed.

Ms. Fraser felt that was a mischaracterization because they are not for abortion, but for abortion rights. Secondly, she said they think it is important to have an adult involved, but the

adult needs not always to be the parent. To approach a stranger would not necessarily promote the health of the teen.

REP. MC CULLOCH referred to the same exhibits which indicated that it would provide the parents with access during the time of pregnancy crisis counseling and asked if there is any reason why they cannot be present now.

Ms. Fraser replied, "Of course not, the mom and dad can be there....."

REP. MC CULLOCH asked Ms. Fraser to address the medical implications of a delay while the decision is being made.

Ms. Fraser said the complicated procedures being set up in the bill would sometimes produce a longer time for the teen to wait before going through with the procedure. Studies have shown that the delay is not just what is indicated in the legislation, but the delay is generally a week or more. Complication rates increase in abortion each week past the 8th week of pregnancy, therefore, medical associations think delays such as this are bad medical policy which may jeopardize the lives of the teens and women they allegedly want to protect.

Closing by Sponsor:

REP. GRIMES said he had the hard statistics which dealt with some of the issues brought up. He said he would make those available to the committee. He closed by saying that parents are the ones financially responsible and he believed that this was an extremely important bill for parental rights.

{Tape: 1; Side: b; Approx. Counter: 31.9}

CHAIRMAN CLARK resumed the chair.

HEARING ON HB 380

Opening Statement by Sponsor:

REP. JEANETTE MC KEE, HD 60, said that the problem of juvenile crime is increasing. According to the uniform crime report for 1990, the number of juvenile arrests in proportion to adult arrests had increase 27% nationwide over the previous decade and 20% more juveniles were behind bars in that time period. She said Montana's youth justice system does not deal effectively with serious criminal acts committed by juveniles. She said HB 380 would seek to toughen the juvenile sentencing laws with changes similar to those implemented in Minnesota. The approach of this legislation would blend the juvenile court with the adult corrections system. She reported that there has been no opposition to that approach from those involved in Montana and it is a part of the Action Plan and has support from the Office of

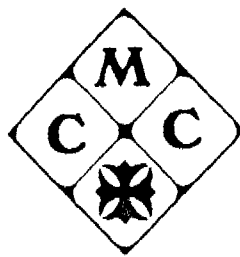
HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 2/14/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓ late ^{8:20}	✓	
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓	U	
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith		✓	
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



Montana Catholic Conference

HB 482

FEBRUARY 14, 1995

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM SHARON HOFF, REPRESENTING THE MONTANA CATHOLIC CONFERENCE. IN THIS CAPACITY, I SERVE AS LIAISON FOR MONTANA'S TWO ROMAN CATHOLIC BISHOPS IN MATTERS OF PUBLIC POLICY.

IN THE *BELLOTTI V. BAIRD* CASE HEARD BEFORE THE UNITED STATES SUPREME COURT IN 1979, THE COURT STATED THE FOLLOWING: THE UNIQUE ROLE OF THE FAMILY IN OUR SOCIETY REQUIRES THAT CONSTITUTIONAL PRINCIPLES BE APPLIED WITH SENSITIVITY AND FLEXIBILITY TO THE SPECIAL NEEDS OF PARENTS AND CHILDREN. MINORS OFTEN LACK THE EXPERIENCE, PERSPECTIVE AND JUDGMENT TO RECOGNIZE AND AVOID CHOICES THAT COULD BE DETRIMENTAL TO THEM. PARENTS ARE ENTITLED TO THE SUPPORT OF LAWS DESIGNED TO AID DISCHARGE OF THEIR RESPONSIBILITY.

EVIDENCE REVEALS THAT THE MEDICAL, EMOTIONAL, AND PSYCHOLOGICAL CONSEQUENCES OF ABORTIONS ON CHILDREN CAN BE EXTREMELY DETRIMENTAL. EVEN IF A CHILD CHOOSES AN ABORTION, PARENTS ARE OFTEN THE ONLY ONES WHO POSSESS MEDICAL INFORMATION WHICH MAY BE NEEDED PRIOR TO AN ABORTION AND THE ONLY ONES TO ENSURE THAT THEIR DAUGHTER RECEIVES ADEQUATE SUPPORT AND FOLLOW-UP CARE AFTER AN ABORTION



THE MONTANA CATHOLIC CONFERENCE BELIEVES THAT PARENTAL
NOTIFICATION IS IN THE BEST INTERESTS OF THE CHILD. WE URGE
THE COMMITTEE'S SUPPORT FOR HB 482.

House judiciary Committee
to Chairman and Committee members;

I am asking for your support of
HB 482

there is a widely held opinion that
abortions are being performed on young
underage women from low income,
uncaring uninvolved homes.

A few years ago my daughter had an
abortion. This same daughter attended
Church, School, sang, danced as all
young children should have the
opportunity to.

She gave permission for school outings
traces at the dentist and were even
told when she had a headache
and needed an aspirin.

But were we notified about a
pending abortion No! or aspirin
yes Abortion No!

did she know her family a
middle class, respectable family
would be there for her. Yes!
But in the time she needed us
most we were not informed.

that was my daughter who I held
as a child, why was I not there?

Please protect our families HB482
would have saved my daughter
break down (a result of her abortion,
my grandchild). And years of
guilt - Why wasn't I there when my
child needed me the most.

May we all learn from the past,
not be controlled by it. The family
unit is still our best support.

Please help keep it intact.

Support HB482

Georgia Branscome
101 Wagner Lane
Kaliopol, Mt.

Charles J. Lorentzen
418 4th St. E
Kalispell, MT 59901

EXHIBIT 7
DATE 2/14/95
HB 482

The Honorable Bob Clark
Capital Station
Helena, MT 59620

Re: HB 482

February 14, 1995

Chairman Clark and Members of the House Judiciary Committee,

Permission for school bus trips, why? Liability & money.

"	"	baseball	,	"	"	"
"	"	driving permits	,	"	"	"
"	"	aspirin tablets	,	"	"	"
"	"	passports	,	"	"	"
"	"	church picnics	,	"	"	"

Permission for ABORTION SURGERY, why? LIABILITY & MONEY.

This has to an elementary concept to deliberate. Who is called in the middle of tight spots to take care of bumps, bruises and bills? The parents of course. Have you volunteered recently to pay your neighbor's kids dental bill or ski lessons or car insurance? Who signs kids permission slips? Parents.

Now let's take abortion. In this peculiar case parents have total freedom from responsibility. Amazing. No information, no consent forms, no permission slips, no liability- until...the sudden fever, the emergency room hemoraging, the perplexing change of behavior, the endless hours of regretting, pain and heart ache when realizing the unalterable. The deed is done. The cash up front man is gone. The abortionist is busy collecting cash for the next blob of tissue from the next terrified daughter without a permission slip. The quicker the better. What deception is this population control propaganda.

What we should be doing is arming parents with facts, giving advanced notice of pending disaster and installing warning signs before the rough road ahead. We should require parental notification so every daughter's mom and dad can be there to help during this crisis time of decision.

A parental notification law was passed in Minnesota in 1981 with the result that by 1986 the pregnancy rate in women under 18 dropped from 22% to 20% and the abortion rate from 71% to 27% among 200,000 per year (see attached graph). This law was challenged in 1986, but it was upheld by the US Supreme Court in 1990. These positive results are encouraging to us in Montana and valuable as an indication of its benefit.

The pro abortion proponents do not want parents notified. They want girls seperated from their famlies support, but this is clearly wrong. We must not allow this to continue. Please vote to pass HB 482. Require parental notification for abortion for minors.

Sincerely,


Charles J. Lorentzen

Page two

Information taken from video entitled PARENT'S RIGHTS
DENIED- Do Pregnant Teens Need Family Protection?

By American Portrait Films, Inc.

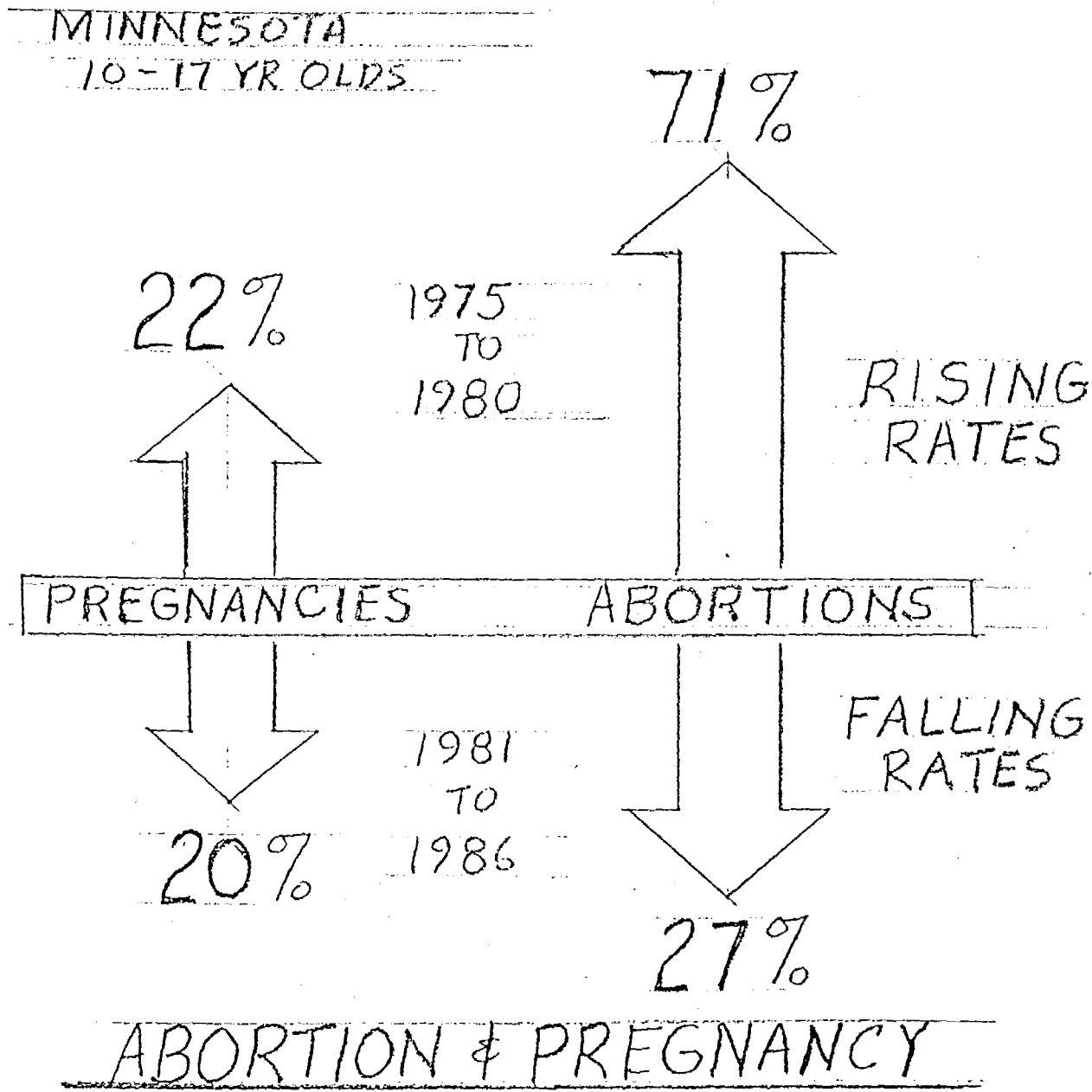
Box 19266

Cleveland, OH 44119 1-800-736-4567

Law introduced by Sen Gene Waldorf Dem Minnesota

sample 200,000 per year

Note: June 1990 N Y Times - CBS Pole: 76% Americans
Support Parental Notification



February 12, 1995

HB 482 / Arlette Randash
House Judiciary / Parental Notification

The state of Montana has seen fit to make many distinctions between minors and those who have reached majority, (18) and have built many safeguards into the law to protect them. When I researched this issue I found many inconsistencies in the law when contrasted with the fact that a minor can receive an abortion without parental *consent or notification*, and thus without the protections inherent from the oversight of a caring parent or guardian. HB 482 calls for parental notification with a judicial bypass for extenuating circumstances. Here are the inconsistencies I found. (Please note I am not a lawyer and if I have made errors they were not made intentionally.)

45-5-622 Endangering the welfare of children

(2) A parent or guardian or any person who is 18 years of age or older, whether or not he is supervising the welfare of the child, commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a child less than

(a) 18 years old by:

- (i) supplying or encouraging the use of an intoxicating substance by the child; or
- (ii) assisting, promoting, or encouraging the child to enter a place of prostitution,

(b) 16 year olds by:

- (I) abandon his place of residence without consent of his parents, or guardian,
- (ii) engage in sexual conduct

The penalties for the above offense are the same as what is provided for in HB 482 in Section 10. However, there is considerable difference in offering a minor an intoxicating substance and doing an invasive surgery like abortion.

45-5-623 Unlawful transactions with children

(a) sells or gives explosives to a child under the age of majority.

(d) a junk dealer, pawnbrokers, or second hand dealer receives or purchases goods from a child without authorization of the parent or guardian.

The gravity of buying junk from a minor hardly is on equal footing to doing an abortion on a minor.

16-6-305 Alcoholic beverages

(1) b. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

16-6-305 A person is guilty of misdemeanor who: (a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person.

Again, inviting a person into a place that sells alcohol hardly is equal to doing an abortion on a minor. Interestingly though, substantial amounts of federal dollars were at risk over the legal age of alcohol consumption. Our Montana's minor women not worth as much?

40-6-234 When parental authority ceases

The authority of the parent ceases:

- (1) upon the appointment by a court, of a guardian of the person of a child;
- (2) upon the marriage of a child; or
- (3) upon its attaining majority.

Isn't it inconsistent that when an abortion for a minor is involved the appointment by a court is waived without judicial means and a total stranger is allowed to do invasive surgery on a minor?

40-4-212 Best interest of a child

(1) The court shall determine custody in accordance with the best interest of the child.

The court shall consider all relevant factors, including but not limited to:

- (a) the wishes of the child's parents or parents as to his custody;
- (b) the wishes of the child as to his custodian
- (c) The interaction and interrelationships of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's's best interest;
- (d) the child's adjustment to his home, school, and community;
- (e) the mental and physical health of all individuals involved;.....etc.

It is inconsistent that a child is given such caring consideration in a custody situation but in an abortion decision is afforded none of these protections.....parental notification (*and notice this is notification, not consent*) would begin to permit parental involvement, the interaction of other members of the family, consideration for the child's adjustment in her school and mental and physical health. HB 482 would provide consistency for minors in traumatic situations.

28-2-201 Who may contract

All persons are capable of contracting except minor, persons of unsound mind, and persons deprived of civil rights.

Isn't an abortion grave enough, especially when considered by a minor, to be treated with equal consideration to entering into a contract?

33-15-103 Power to contract - purchase of insurance by minors

(2) Any minor of the age of 15 years or more.....may purchase annuities and insurance.

The state has recognized that a 15 year old may purchase insurance, however, the state in 1993 permitted 20 children younger than 15 to contract for the invasive procedure of abortion without guaranteed oversight of a parent or guardian. For minors this young because of the undeveloped nature of their cervix they are at particular risk for miscarriages

in the future and a study released in November by the Fred Hutchinson Cancer Research Center in Seattle showed that the risk of developing breast cancer before the age of 45 went up 800 percent in women who had an abortion before the age of 18 and if the abortion was conducted after the eight week of pregnancy. It is difficult because of the way Montana's statistics are gathered but it appears we had approximately 298 women at risk in that category.

41-1-303 The state does permit minors to borrow money for education.

41-1-402 Consent of minors for health services

- (a) a minor who is or was married, or emancipated,
- (b) a minor separated from his parents, or legal guardian and supporting himself,
- (c) minor who professes or is found to be pregnant,
- (d) a minor needing emergency care.

However, in 41-1-405 (4) is reads "Self consent of minors shall not apply to sterilization or abortion." Obviously this isn't enforced but it must have been the original intent of the legislature.

41-2-105 Employment of minors

except as provided in 41-2-104, a minor who is under 14 years of age may not be employed in or in connection with an occupation.

Numerous safeguards are in code concerning the employment of minors: 41-2-106, 41-2-107, 41-2-108, 41-2-109, 41-2-110, 41-2-115. In fact, penalties for violating these employment laws of minors have more penalties under 46-18-212 than under the Montana Abortion Control Act for not notifying a parent, (however, currently it is unenforceable) 50-20-107.

39-2-306 Employment of persons under 18 as bartenders prohibited.

23-2-523 Motorboat operation prohibited under 15 years of age unless in possession

(ii) (b) of a valid Montana motor boat operators safety certificate oris accompanied by an adult.

(12) A person may not rent a motorboat rated at more than 10 HP to a person under 18

The state permitted 298 minors to abort by an abortionists whose primary service is the provision of abortion without the knowledge of their parents yet will not let minors be rented a motorboat!

23-3-404 Boxing

The state regulates the boxing of those under 16 by saying it must be monitored by an amateur boxing association. Yet the state permitted 158 minors to procure an abortion without the guaranteed knowledge of a parent or guardian.

40-1-213 Marriage licenses

The district court may order the clerk of the district court to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent capable of consenting to his marriage, or *has the consent of both parents*, or of his guardian. *The court must require both parties to participate in a period of marriage counseling involving at least 2 separate counseling sessions not less than 10 days apart.....as a condition to the marriage* (Italics are mine.)

The state has seen fit to regulate the marriage licensing of minors, even requiring counseling sessions not less than 10 days apart. Why should minors be afforded less protections when considering an abortion? 158 minors aborted at this age level or younger in 1993 in Montana.

50-37-103 Fireworks

It is unlawful for an individual under the age of 18 to possess for sale, sell, or offer for sale within the state permissible fireworks enumerated in 50-37-105.

Are fireworks in Montana on equal par to the life time consequences of abortion for a minor? If the state is recognizing the dangerous nature of fireworks shouldn't they consider the dangers inherent in such an invasive procedure as an abortion?

45-9-121 Intoxicating substances

We permit the youth court jurisdiction of any violation by a person under 18 who inhales or ingests: glue, fingernail polish, paint, paint thinner, petroleum products, aerosol propellants and chemical solvents.

Shouldn't parents have at least the same recognition of the role of authority they have in a minor child's life to be notified prior to the minor receiving an abortion?

23-4-301 Parimutuel betting

(5) It is unlawful.....to permit a minor to use the parimutuel system.

Gambling may separate a minor from her money but it is hardly as risky as an abortion, yet the states does not hesitate to protect the minor from the harmful effects of gambling.

45-8-20 Obscenity

We prohibit the sale of obscenity to anyone under 18.

Could the sale of obscenity to a minor be more harmful to a minor than the invasive procedures of an abortion on a minor without the love and guidance of a parent or guardian at a difficult and traumatic time in her life?

23-7-110 Sale of lottery tickets

We prohibit the sale of lottery tickets to those under 18

7-32-2302 Curfews

The state permits the establishment for minors to be abroad on public streets.

61-5-105 Drivers licenses

The state issues drivers licenses for someone under 16.....or 15 years if they have taken a drivers coarse or permits restricted licenses to 13 year olds.

The state permitted 8 minors to abort a child at 13 years or younger in 1993 without the guarantee that a parent was attempted to be notified.

13-1-111 Voting

No person is entitled to vote until 18.

It would be doubtful that anyone has anguished over a voting decision the way 29 minors may have anguished alone over an abortion decision because the state did not deem it significant enough to guarantee an attempt was made to notify a parent of that impending decision on the part of the minor.

27-1-733 Rodeo participation

A minor must provide written consent to participate in a rodeo if the non-profit sponsor wants to be free of liability. Consent to participate must be by 1 parent or guardian.

Notice that for a minor to participate in a rodeo the state has ruled by law that the parent must give consent, not just be notified!

In this session we are addressing a minors action concerning gambling in casinos, smoking before 18 years old, and being occupied as a caddy. None of which are on par in seriousness to aborting.

Mr. Chairman and members of the Committee

My name is Tammie Peterson

16 years ago this month I had an abortion

3 months before my high school graduation I found myself pregnant

I was a senior, about to become independent, and on my own. I could handle this crisis and take care of it myself. I could vote, was 18 years old, and in my mind as old as I was ever going to get. I knew more than my parents, I could hide this from them, I would not tell; it would all pass by quickly.

Six months later I had a job making top dollar. College would have to wait. I moved out of my parents' home, only to live with a man but not through the benefit of marriage.

I paid taxes, was a good citizen, and still the girl who pretty much turned out ok. I was still accepted as one from the right side of the tracks.

Five years later I had spiraled downward. I was not able to see myself with any self esteem. Nor could I believe anyone else saw any value in me. I had kept the secret of the abortion from everyone, everyone that is, except myself.

I could not deny the full truth of my abortion any longer. Although I started to shed the morals and values of my Christian upbringing by moving in with a man, I tried to ease my conscience by marrying him. But I still had to live with my past decision.

I crossed lines and boundaries I believed I would never cross, until ultimately I had committed adultery on three different occasions. My

life now represented the girl from the wrong side of the tracks. Emotionally, I was bitter, angry, and had no self-worth. But by grace, when I hit this bottom, my family and friends, whom I was sure wouldn't understand my unplanned pregnancy, picked me up from this rock bottom and loved me, forgave me, and showed me the way to real healing and a new sense of value.

I can't go back and change the past. I hate my past and would not wish it upon even my enemy, let alone my own children.

I live with regrets from hasty decisions that still impact my life. My past no longer torments me but I have a burden for my children, beloved relatives, and strangers I meet who come to me with an unplanned pregnancy.

I hope to spare my children the horrors of post-abortion syndrome and the decaying life it leaves women in.

I thought since I was old enough to vote, I was old enough to make wise decisions. At 35 I now know my parents had the wisdom I lacked. I would have acquired the wisdom I needed through them, instead of experiencing abortion and its demoralizing after-effects. They would have been disappointed, angry, hurt, and fearful, as they knew the difficulties I would face being an eighteen year old with a child. I now know the difficulties of raising a child. They are a joyful struggle of stress, worry and fear, all wrapped up in love. I want only the best for my children. The struggles my parents knew I faced are now considered by me to be a great opportunity considering the alternative horror of the emotional and physical abuse I put upon myself and my family. I would much rather be struggling with a 16

year old teenager now than with the burden of my past decision. You see, the abortionists and those who support abortion will not be there as you watch the one you love self-destructing right before your very eyes and you are helpless to find a way of escape for them. In many post-abortion women, guilt can still be as strong five and ten years later as it was the day they walked out of the abortion clinic.

Many women seek suicide as an answer and successfully carry it out. Depression is consistent in women who have had an abortion and can continue for years after they have tried to go on with their lives. Notifying parents of their child's intent to abort a baby gives us an opportunity to show our children we do love them in the midst of their crisis. But yes, expressing our emotions that may seem negative at the time are normal and expected. Yet, we will support them and give them the wisdom of a healthier choice for the rest of their future.

I urge you to vote yes on House Bill 482. Allow Montana's parent's the right to be involved in this life-changing decision that their minor children may face.

Thank you

Ladies & Gentlemen:

My name is Cindy DeLay. I'm a 34 yr. old mother of two. In early August of 1977, only four years after it's legalization, I had an abortion. I was only 16 yrs. old.

I was able to obtain an abortion without my parents' consent; I didn't even have to lie about my age.

I had gone into a clinic someone told me about to obtain a "free" pregnancy test. After confirming my fears, I was taken to a "counselor" who informed me that the procedure would only take about 10 minutes, and I'd be given a mild sedative to help relieve my anxiety & lessen the cramping. No-one even ASKED if I wanted an abortion; I wasn't counseled on ANY options. They had taken my MEDICAID # upon arrival, so no cost was ever discussed. I found out later that it was strictly an abortion clinic.

I was escorted into a room, given 10mg. of Valium, told to undress from the waist down, and handed some magazines to read. A nurse would come by & check on me every few minutes to see if the medication was taking affect, and I could hear crying coming from other rooms. I was scared. "This isn't supposed to hurt." I thought.

After the medication began to make me drowsy, I was laid on the table as if for a PAP smear & the Dr. came in. He told me that "...the removal of the contents of your uterus will cause some mild cramping, and a small amount of bleeding, but it's normal." Then he told me to relax, and a machine covered in white towels was turned on. I got really scared, and began to shake. I shook so violently that the nurse holding my hand had to steady my legs. I cried—from both fear & pain. These were the worst "cramps" I'd ever had. I was glad that it only took about 10 minutes, as the intake counselor had said. When he was finished, the Dr. stood up and said "You'll be fine now. Leave that absorbant packing in for at least two days, unless it starts leaking fluid. It will catch any excess uterine discharge." He left & I got dressed. I left the clinic about an hour & a half after I'd arrived for a "free" ^{abort}

The following evening, I began running a fever & vomiting. It was about 30 hrs. after the abortion. The "packing" had begun to leak. My mom didn't know until then that I'd had an abortion; but she stood by me & called our family physician & told him my symptoms. He told her to have me remove the packing immediatly, and to watch my temp. "Bring her in in the morning if her fever & pain persist."

By morning, my fever & pain were worse. We went to see the Dr. He examined me & found an infection had set in. He placed me on a strong antibiotic for 2 weeks, and gave me something for pain to ^{take} me through the next few days.

I still can't believe that I didn't need my mother's consent to obtain the abortion, and yet the pediatrician whom I'd seen for nearly ten years wouldn't see me without her knowledge.

I support the "Parental Notice of Abortion Act" because even though my mother DID stand by me, she would NEVER have given her permission for me to get an abortion. And I wouldn't still be wondering "What would that child have been like?"

BOX 2032 COLFLS MT
862-4380

Thank You,
Cindy A. DeLay

Chairman and Committee Members:

We believe the country is only as strong as the family.

We are urging you to support HB482 Parental notification

Let our familys be the support to our young women that need us not only in the good times but also in the uncertain times. Love and understanding is still best displayed by those who know us best.

752-3108
257-3109

Murray Wayne
Lynn L. Dillman
Robert Deary
Pam F. Hurd
Alden L. Bresson

755-6541

George Allen
Howard L. Bresson

257-4043

Dwight J. Hume
Ann Kham
Shirley A. Visser
Jerry Engle
Cindy Lucas
Jim Holmgren

837-2122

756-0467
756-8532
257-8424

Dr Thomas P. Fullerton
Rebecca Hanson
William C. Hanson

756-1342
752-3648
752-3648

~~Jackie Gilliam~~
Jackie Gilliam 257-3104
Delsie Brack 755-8899
Hans Hovner 752-0164
Marlene D. Ford 756-6283
Robert W. Brooks 755-8899
Cathy Lee 755-6048
Helen R. Ford 756-6283
Carolyn R. Reich 755-3162
Aggie Peters 257-2969
Donald E. Lee 257-2969
Camille Robert 752-5815
Cathy Haven 752-0164
Carolyn Wiley 755-6466
Ken Lott 752-2088
Fris Nail 257-4029
Daniel Blawie 257-5081
Jackie VanHelden 755-7790
Clifford T. Haven 752-0164
Patricia A. Holmquist 756-6110
Joe Z. Neut 752-2504
Vald. Cantable 755-5140
Ross A. Longheed

Marcia Cantable 755-6140
Cherif Longheed 257-4900
Christine Reed 755-0210
Jeff Eagle 756-6460
Robert Warner 752-3150
Andy Klein 752-6882

February 13, 1995

My name is Kim Jones. Twenty one years ago this summer, when I was nineteen, I found myself pregnant and unmarried. I was told by Dr. Armstrong that my baby was nothing more than a mass of tissue. I had an abortion. My heart wants to protect the young women of our state from the unnecessary pain and anguish I have experienced these past 20 years. I am asking for your support of this 'parental notification' bill.

To share with you a small portion of my life that placed me in an abortion situation will most probably help you understand why this bill is so very important. I never learned that I was a special child, and that my body was mine. I never learned how to stand up for myself. I never learned how to say "NO". Passive sexual abuse was a part of my childhood. At a point in my teen years I was sexually abused. When this occurred, I went into shock and was totally helpless to defend myself. I told no one. It is not important now for me to go into the abuse any further. What is important is that it affected the rest of my life.

When I began my first year of college, I once again found myself vulnerable to a man. I came to expect this kind of treatment from men. That first college summer I found myself pregnant. My life crumbled before my eyes. I literally did not know what to do. After sharing the news with the baby's father, he told me he would find out the name of the doctor that performed abortions in Kalispell where I lived. At that time in my life abortion was a new term to me. He told me to go and I went. I was given no choice by the father. I was in shock over the whole situation.

I would now like to share with you some information found in the Minirth - Meier Clinic Series "Kids Who Carry Our Pain - breaking the cycle of codependency for the next generation" by Dr. Robert Hemfelt and Dr. Paul Warren. Dr. Hemfelt is a psychologist who specializes in the treatment of family problems. Dr. Warren is a behavioral pediatrician. He is a member of the American Board of Pediatrics and medical director of the Minirth-Meier Child and Adolescent Behavioral Medicine Unit at Westpark Medical Center in McKinney, Texas. From page 51 of this book, Dr. Warren states "When a child's boundaries are violated, or the child is prevented from completing a developmental task, abuse has occurred." Then on page 52 Dr. Warren states "If a developmental task that would naturally occur at, say thirteen is thrust upon the child at age seven or eight, that child is abused. The child is simply not ready for the experience or awareness that has been forced upon him or her. In short, any sexual contact or discussion that is not appropriate to the child's age and maturity is abuse. Continuing on page 53, **"abuse" is recurring behavior on the part of other, unattended to and uncorrected, which stunts the child's growth or damages the child's sense of identity. Any experience or absence of experience that delays, neglects, or reverses completion of experience or absence of experience that delays, neglects, or reverses completion of those identity-building tasks is abuse.** Finishing with this book on page 145, "the abuses do far more than hurt some tender feelings. As a child grows, he or she must complete certain developmental tasks. If these tasks fail to find completion, the rest of development suffers. Another way to describe this missing growth phase is *"lost childhood."* *Quite literally, a part of childhood, almost always a necessary part, has been damaged or destroyed.*

Now why do I bring all this up? Physically I was nineteen at the time of my abortion.

Considered an adult at that age. Taking into consideration the information that I shared with you above you can now understand that I was not nineteen emotionally. I believe that my emotional growth was blocked because of the abuse during my childhood. I was immature for my age and extremely naive in the years that followed. In retrospect, looking back now as a healed adult, I realize the painful mistake I made in the decision to abort my baby. My immaturity and naivety stands before me as I look down the road of my life. My immaturity, my naivety took the life of my baby. Because of the healing I have received from my Lord and Savior Jesus Christ and through a Post Abortion Recovery class I know I have been forgiven and I have been able to forgive. Standing here before you is a milestone for me. We must protect our children.

Teenagers can be so very vulnerable, immature, irrational, and naive. They are searching and making decisions on who they are and who they want to be. They are easily influenced by their peers, constantly riding the roller coaster of hormones, searching for acceptance. Teenagers want to be responsible all of the time, some of the time, they really aren't sure. I have a teenager, believe me I know what I am talking about.

Teenagers need our help. They need our guidance. This is a most important part of our child rearing - to guide our children as they grow and mature. If and when a teen pregnancy occurs, and that is what we are talking about, I feel, because my emotional growth was held back, because of my immaturity, I can represent the teen. And, considering the time and years I have put into nurturing my children, I know I am the best person to provide the care my children need in the event of a crisis. I am the best person to care for my children because I have spent my life with them, helping them discover who they are and providing for their needs. I may not have all the answers all the time, but I do have love for my children, the kind of love that would search out the answers and provide the best possible information for them. The crisis an unwanted pregnancy puts a teen in is one of shock and confusion. It is so very important for the parents of a pregnant teen to be informed so they can step in and fill their roles as parent. The shock and confusion involved in an unwanted pregnancy is more than a teen is prepared to deal with. She needs the maturity of her parents to help her in making what could be one of the most important decisions of her life. She needs her parents for protection from the abortion industry.

My pregnancy left me vulnerable to Dr. Armstrong. I did not have the maturity to know what questions to ask. I did not have the maturity to even consider that there might have been other options. My boyfriend ruled over me looking out only for his best interest. My naivety caused me to trust Dr. Armstrong with the false information he gave me about my baby. Because of my immaturity, and the state of shock I was in, I didn't even consider long or short term consequences. I was told what to do and I did it. Teenagers need counsel from their parents. The parental notification bill, HB 482, will provide an escape back to their parents for the help they need.

I would now like to address the consequences of a teenager having an abortion without a parent's notification. What if there are complications in the procedure? Now it's okay to tell the parents when their child's life is at risk? Now they get to pick up the pieces? And what about the psychological affects of the abortion? The psychological affects will weigh heavily on the teen as she later realized what she had done. There is no escaping the truth. The psychological affects of her abortion will weigh heavily on her family as well. Speaking from experience, as

the truth comes out the wight of her shame and guilt will affect the rest of her life. Chemical dependency is a very real possibility. Self worth will be questioned. Promiscuity because of loss of self worth is very likely. Of course that introduces the possibility of further pregnancies and lets not forget the real possibility of being infected with any one of many STD's (sexually transmitted disease). This not only takes a toll on the family but becomes a burden for society as well. Suppose she later marries. This burden will be carried into her marriage and picked up by any future children she might have, if she can have children. It is pain, incredible pain and anguish from the guilt and shame of destroying your baby. Society as a whole will always be affected.

Giving parents the opportunity to counsel the child they love offers teens a chance at a full and happy life. It will spare society and this nation much burden. The parents that raised and nurtured their child deserve to be involved in any life threatening position their child may be in. We need to be allowed to be the parents of our children. Passing HB 482 will allow parents to continue to do the parenting they were created for and provides the pregnant teen an escape back to their parents, which they need so badly in their state of shock and confusion. Please I urge you to pass this bill so that health and well being of the family and of this nation will be protected. Thank you very much.

Kim Jones

862-6803

My name is Peggy Wegner. I regret that I cannot be here personally today to share with you my views concerning the Parental Notification Bill, but my busy schedule as a full time college student prevents this.

I was fifteen years old when I became pregnant, and a quick fix to my problem was all that I was able to think of. Teenagers do not have the mental capacities at this age to think of long term consequences of their actions. I was raised in a family of high moral standards that would not condone premarital sex, and I was hesitant to inform my parents of my condition. I knew that abortion was wrong morally, but my preoccupation with "fixing" my problem prevented me from thinking ahead. I knew while I was laying on the abortionists table, after that lethal injection had been administered, that I had made a decision that I would regret for the rest of my life. I left the office that afternoon with an overwhelming sense of guilt that hung over me like a black cloud for the next fifteen years.

Let me share with you some of the trials women (of all ages) face after an abortion. I already alluded to the guilt I felt after making this decision. I had murdered a human being! Is there anything worse I could possibly do? People would think of me as "bad" for the rest of my life. I entered my late teen years thinking that I deserved nothing but the worst. I had no goals in life. I entered into one bad relationship after another. I was abandoned by the friends I had grown up with, so I used promiscuity to try and build friendships. These friendships, as you can imagine, tended to be very superficial,

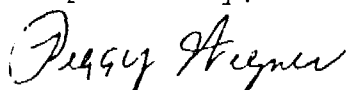
leaving me feeling more alone each time. I was unable to remove myself from these self destructive behaviors. I was a failure to my parents, so I married the first person I could find, so I would have someone to take care of me, even knowing before marriage that this would not be a good situation. I lived with violence and abuse for over five years, thinking I deserved nothing better.

This type of thinking is common to women after having abortions. Thoughts of suicide are also prevalent. Many of them are unaware that their abortion experience is the reason their lives are so rotten. They are often unable to do anything about, unless they get some kind of counseling.

In reflection, raising a child out of wedlock or adoption looks like much of a lesser evil than feeling responsibility for taking a life. I am raising three children by myself as a consequence of decisions I made as a teenager. My girls are just reaching adolescence, and I cannot bear the thought of them experiencing all the heartache I did. I would like the opportunity to be able to counsel them should they ever find themselves in the predicament I was in.

Please consider this a plea to pass a parental notification law, so that children are not faced with making these decisions alone. Thank you for your time.

Respectfully,

A handwritten signature in cursive script that reads "Peggy Wegner".

Peggy Wegner

227-7915

EXHIBIT 14
DATE 2/14/95
HB 492

The Montana Women's Lobby believes it is best for those 16 and under to contact an adult, preferably a parent, when confronting an unplanned pregnancy and considering an abortion. Fortunately, most minors do notify at least one parent when seeking an abortion. One Montana clinic statistics indicate that only 8 out of 144 clients in 1994 did not contact a parent before choosing to abort. Let's consider this bill using this clinic as an example.

First, over 94% of these young women chose what this bill would mandate. These families have developed good communication which is belittled by the coercive action of this bill. What these young women did out of respect is transformed into a demeaning experience where the physician has tell on her. Good communication in families cannot be legislated, and families with good communication don't need this intrusiveness on the part of government.

What about the other 5 - 6%? We can't know all their reasons, and we can't know what they'll do if their judgement isn't respected. Cut gym class to get a judicial by-pass? Perhaps be coerced by parents to carry a pregnancy to term against her will? Or worse, will she endanger her own life? Will she sleep in her car or under more dangerous circumstance waiting the 48 hours until she can get an abortion before going home? Will she stay away from home for a time afterward, waiting for the dust to settle? Or will she know she could never tell her parents, under any circumstances, and try to terminate her pregnancy on her own, by dangerous means? Montana doesn't need a Becky Bell.

History has demonstrated to us quite clearly what happens when abortion is illegal or obstructed. Women die.

MONTANA WOMEN'S LOBBY

P.O. BOX 1099 HELENA, MT 59624 406-449-7917



EXHIBIT 15
DATE 2/14/95
HB 482

721 North 29th Street
Billings, Montana 59101
406 248-3636

1844 Broadwater Avenue
Billings, Montana 59102
406 656-9980

926 Main Street, Suite 17
Billings, Montana 59105
406 248-2373

1220 Central Avenue
Great Falls, Montana 59401
406 454-3431

1500 Cannon Street
Helena, Montana 59601
406 443-7676

Intermountain Planned Parenthood is here today in opposition to HB 482. Under the guise of promoting family communication and protecting pregnant teens, this law will have serious consequences for the lives and health of Montana teens.

We find that most all teens voluntarily tell one or both parents about their pregnancy and plans for abortion. Of the 144 women age 17 and younger that we saw for abortions in 1994, 136 had involved at least one parent. Of the 8 women who did not tell their parents, 4 had involved another adult, such as a school counselor. The reasons why the 8 did not choose to tell their parents were varied -:

- parental alcohol problems, parents divorce, parents emotional instability from depression, parents physical health.

Young women are capable of making their own health care decisions. Studies show that teenagers, like adults, can understand and reason about health care alternatives and make abortion decisions consistent with their own sense of what is right for them. Studies also note that adolescents are self-observant and able to provide health histories as accurately as their parents. Certainly if a minor were too immature to decide to have an abortion, she would also not be mature enough to fulfill her duties as a parent. We also conclude that young women who choose abortion are more able to realize family goals and avoid later unwanted pregnancies than those teens who carry their pregnancies to term.

In practice, parental notification laws significantly increase health risks to minors causing necessary medical care to be delayed and by impairing the ability of health care providers to give quality care. This law would punish young women for becoming pregnant. It would not promote family integrity, improve parent - child communication, or help with the minors decision making process.

Respectfully Submitted,

A handwritten signature in cursive script that reads 'Devon Hartman RNCNP'.

Devon Hartman RNCNP

**CONFIDENTIAL ABORTION SERVICES TO MINORS:
WHAT THE HEALTH PROFESSIONALS SAY**

American Academy of Family Physicians
American Academy of Pediatrics
American College of Obstetricians and Gynecologists
NAACOG -- The Organization for Obstetric, Gynecological and
Neonatal Nurses
National Medical Association
(Joint Statement):

"The issue of confidentiality has been identified, by both providers and young people themselves, as a significant barrier to health care...There is an urgent need to reduce the incidence of adolescent suicide, substance abuse, transmitted diseases and unintended pregnancy...As the providers of health care to adolescents, we urge that the adolescent have an opportunity for examination and counselling from parents, and the same confidentiality be preserved between the adolescent patient and the provider as between the parent and the provider. Ultimately, the health risks to the adolescent are so impelling that legal barriers and deference to parental involvement should not stand in the way of needed health care." (Policy Statement adopted by all of the above groups, 1988)

American Medical Women's Association:

"AMWA continues to support a woman's right to choose without governmental intervention and without restrictions on her physician's medical judgment or conscience." (Statement, 1989)

> "AMWA [goes] on record as favoring legislation that allow a minor to give self-consent for treatment that, if by an attempt to secure parental consent would, in the physician's judgment, increase the risk to life or health." (Policy Statement, 1970)

American Nurses' Association:

Mandatory parental notification or consent requirements "interfere with an adolescent's right to make a termination decision as well as delay the minor from seeking an abortion; health professionals support involvement in a daughter's decision to seek an abortion; imposing parental notification/consent laws does not protect a woman's health at risk." (as reported in ANA Capital, July 6, 1990)

American Psychiatric Association:

"The adolescent most vulnerable to early pregnancy is the product of adverse sociocultural conditions involving poverty, discrimination, and family disorganization... in the interest of public welfare, the APA opposes all constitutional amendments, legislation, and regulations curtailing family planning and abortion services to any segment of the population..." (Policy Statement, 1978)

American Psychological Association:

"There is little evidence to support age-graded policies about abortion; research supports neither the contention that adolescents are especially unlikely to make reasoned decisions about abortion nor the assumption that adolescents are vulnerable to serious psychological harm as a result of abortion.

"Consideration should be given to abolishing mature minor standards in determination of whether minors are able to obtain an abortion without parental notification or consent. It is hard to imagine a minor too immature to make the decision but mature enough to rear a child." (Policy Statement of APA Interdivisional Committee on Adolescent Abortion, 1987)

American Public Health Association:

"APHA urges that adequate and proper care for pregnant adolescents includes encouragement to involve a mature adult in decision-making about pregnancy outcome, provided that such involvement is not dictated or compelled." (Policy Statement, 1990)



EXHIBIT 17
DATE 2/14/95
HB 482

P.O. BOX 3012 • BILLINGS, MONTANA 59103 • (406) 248-1086 • FAX (406) 248-7763

February 14, 1995

Mr. Chairman, Members of the Committee:

My name is Scott Crichton, Executive Director of the American Civil Liberties Union of Montana, celebrating 75 years of defending traditional American values found in the Bill of Rights. I'm here today to voice ACLU's opposition to HB 482.

Let me say at the outset that the ACLU is unequivocally opposed to this bill. There are three major reasons why: forcing parental involvement in a young woman's abortion decision is (1) bad social work, (2) bad medicine, and (3) bad law. Let me explain each briefly.

State-mandated parental notification is bad social work because it does not foster family communication. In fact, it increases family stress, mistrust and violence. There are numerous anecdotal stories of the tragic consequences that parental notification laws have had on the lives of young women. From medical and social work professionals comes overwhelming evidence that the majority of young women willingly involve at least one parent when they seek an abortion, and that those who do not usually have good reasons for keeping the secret.

In an extensive study released in 1992 of unmarried minors having abortions, the Alan Guttmacher Institute found that 61% of respondents said that one or both of parents knew about the abortion. Those who did not tell their parents were disproportionately older (16 or 17), white and employed. Thirty percent of those who did not tell had experienced family violence, feared that violence would occur or were afraid of being ejected from the home. In another recent sample of pregnant inner-city minors in Baltimore, an amazing 91% consulted a parent or a surrogate-parent before having an abortion or deciding to continue their pregnancy. (It's always struck me as ironic, by the way, that

the baby -- arguably a far more momentous decision than having an abortion.)

Last year at this time an informal poll of 214 teenagers seeking abortions was conducted at the University of Iowa Hospital. Fifty-four percent were accompanied by a parent, 17% by two parents. Even among those whose parent did not bring them, at least one parent was aware of the minor's intention to have the abortion in nearly 44% of the cases.

Hard as one might wish that passing a bill could turn all of the troubled families we see into loving, helpful and supportive havens, it's just not that easy. There are plenty of social ills for which legislation can provide remedies, but this is not one of them.

The second reason you should not pass HB 482 is that mandatory parental notice is bad medicine. That's not just the ACLU's opinion. It's the position of the American Medical Association, the National Research Council of the National Academy of Sciences, the American Public Health Association, the Society of Adolescent Medicine, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Academy of Family Physicians. Every one of these organizations has adopted policies recognizing the need for confidentiality in adolescents' medical care equal to that enjoyed by adults. While minors should be encouraged to involve their parents, these medical experts say, requiring them to do so may be harmful.

The reason for this impressive outpouring of medical opinion is very simple. To quote the AMA Report on the subject, "...minors should not be forced to undertake measures that may put their health at risk and prevent them from maintaining the necessary degree of privacy in their lives." State-imposed notice requirements deter pregnant young women from seeking the medical care they need for fear of its being reported to their parents. The inevitable result is more late-teen abortions and greater health risks associated with them.

Thirdly, you should reject this bill because it is bad law. By that I mean that it places the justice system, state court

judges, in the untenable and inappropriate position of second-guessing one of the most intimate decisions a young woman, indeed any woman, will ever make.

Under Section 9 of the bill, a minor is permitted to petition the youth court to "bypass" the parental notice requirement if the court determines "that the petitioner is sufficiently mature to decide", or if not mature, there is "clear and convincing evidence of a pattern of physical, sexual or emotional abuse" by a parent or guardian or "the notification of a parent or guardian is not in the best interests of the petitioner."

The folly of casting judges in this role has been attested to by the judges themselves. Judges, you know, are not generally famous for their humility. Yet the trial testimony of six Minnesota state court judges who together heard about 90% of that state's judicial bypass petitions between 1981 and 1985 leaves no doubt that these proceedings are little more than a judicial power grab.

None of the judges could identify one positive effect of the Minnesota law, which allowed a judicial bypass in lieu of two-parent notice. Rather, they confirmed that their dispositions of these cases were likely to be completely subjective, superficial and arbitrary. Several testified that it was demonstrably stressful and traumatic for the minors to reveal the intimate detail of their lives to a stranger. The U.S. District Court found that only an infinitesimal proportion of the petitions were denied, concluding that, in general, only mature minors or those whose best interests would be served by an abortion would initiate the daunting judicial process anyway.

Judicial bypass, therefore, while appearing to carve out a reasonable alternative for those minors who would be especially harmed by forced parental notification, is really a meaningless exercise, more revealing of the judge's predilections than the merits of the case. It is a foolish use of scarce judicial resources. And, like all obstacles to autonomous decisionmaking about abortion, this process increases delay, medical risks and costs to those least able to bear them.

In conclusion, let me say that as a father I am very lucky to

have a frank and honest relationship with my 23 year old daughter. This relationship has improved with age, though I have tried to be there as a parent, counselor and friend through the years. Today, as it was when she was a teenager, should she be unlucky enough to get pregnant before she is ready, that is fundamentally her business. While I would hope she would share that with me to also making it my business, nothing can convince me that it is any of the government's business.

I urge you to vote do not pass on HB 482. Thank you for your time and consideration.

Reproductive Freedom THE RIGHTS OF MINORS

A pregnant woman's constitutional right to choose between childbirth and abortion was established in 1973 by the Supreme Court's landmark *Roe v. Wade* ruling. All women, including those under 18, are entitled to a safe, legal abortion. But in many states, a young woman may have a very difficult time exercising that right because laws require that she first notify her parents or obtain their consent.

Of the more than one million teenage pregnancies that occur in the United States each year, over 80 percent are unintended. Nearly all pregnant teens are unwed, and some 40 percent of them choose abortion.

Ideally, a teenager should be able to tell her parents about her pregnancy, obtain their love and support and arrive at critical decisions about her future through family discussions. The majority of pregnant teenagers do tell at least one parent about their pregnancies. However, some teenagers cannot tell their parents. Some are members of broken families; some are victims of incest or other forms of family abuse; some have run away from home, often for good reason.

The need to reinforce family relationships is the reason most often cited to justify state laws requiring parental notification or consent before abortion. But such laws are unnecessary for stable and supportive families, and they are ineffective and cruel for unstable, troubled families. Such laws cannot transform abusive families into supportive ones, nor can they reduce the alarmingly high rate of teenage pregnancy. Instead, they only add to the crushing problems faced by pregnant teenagers: They create delays that increase the medical risks of abortion and effectively eliminate the option of abortion for many minors. Tragically, those minors in greatest need of confidential medical care are often the very ones whose access to care is delayed.

The American Civil Liberties Union opposes parental consent and notification laws on the grounds that they infringe upon minors' constitutional rights and serve no useful purpose. To prevent unwanted pregnancy from being a dangerous condition for teenagers, we must ensure that young women have access to confidential counseling, contraception and abortion services, as well as prenatal care. At stake are young women's lives, safety, health and dignity.

Here are the ACLU's answers to questions frequently asked by the public about the reproductive rights of minors.

How many states have passed laws that restrict teenagers' access to abortion?

Thirty-one states have passed legislation, as of 1989, restricting teenagers' access to abortion. These laws require teen-

before seeking an abortion or obtain parental consent. Some states do not currently enforce the laws because they have been ruled unconstitutional by a federal or state court, or they resemble laws declared unconstitutional.

Eleven states continue to enforce parental notification or consent laws, and others are considering enacting new laws.

How do these laws work?

The laws vary. Some states require a physician or physician's agent to notify at least one parent of a minor seeking abortion, either in person, by telephone or in writing. Other states require a physician or his/her agent to obtain parental consent. Health care providers who fail to meet state requirements can lose their licenses to practice or even face criminal penalties.

What's the difference between a consent and a notification law?

Parental consent laws require one parent or both parents to give written permission before their daughter can obtain an abortion. Parental notification requires that one or both parents be notified in advance of their daughter's abortion. Although notification laws technically do not permit parents to veto their daughter's decision, some states either require that one parent sign a form or impose a waiting

period between the notification and the abortion. While consent and notification requirements differ, the result is the same: Young women's abortions are delayed or obstructed because of governmental interference.

What's wrong with parental notification or consent laws?

Parental notification or consent laws can expose a teenager from an abusive or otherwise dysfunctional family to emotional trauma and physical danger, and many young women who avoid telling their

unwanted pregnancy come from such families. Courts have found that teenagers who want to keep their pregnancies a secret almost always have sound reasons. And family counseling experts have testified that forced communication frequently has disastrous results. Indeed, where abortion is concerned, privacy can be a life or death matter for teenagers.

Confidentiality has also proven crucial to the effective delivery to minors of several other health care services, including treatment for venereal disease and drug and alcohol abuse, prenatal care and contraception. Minors often shun such services if they fear that their privacy will not be respected. Thus, most states have passed laws guaranteeing a minor's right to receive confidential care in these areas.

Whatever parents' reactions might be, it's their daughter--so don't they have the right to be involved?

No. Although parents have interests in their children's well-being, in the case of pregnancy a teenager's privacy rights must be paramount. When there is reason to expect an extremely abusive parental reaction to a young woman's unplanned pregnancy, her right to privacy must come first since she is in the best position to know whether she is in danger. A legislature that is unfamiliar with a young woman's particular situation is *not* in a position to force her to involve her parents.

What types of family situations lead teenagers to seek a confidential abortion?

The situations are well documented and surprisingly common. Some teenagers fear that a parent will respond to the news of her pregnancy with physical or sexual abuse. Sometimes, the news could place both a mother and daughter at risk of violence by an enraged father. Some

young women fear the news will exacerbate a parent's psychiatric or physical illness, drug or alcohol abuse, or troubled relationships with other family members. Some teenagers are runaways and dare not risk returning to their troubled homes.

Can a teenager, suddenly faced with the choice between childbirth and abortion, really make a responsible decision?

Yes. The American Psychological Association has found that minors are usually able to make intelligent, informed decisions about pregnancy. Even young



women from severely troubled families often show great maturity and sensitivity when seeking confidential health services. During one abortion rights trial, clinic and court personnel testified that minors accurately assess their family circumstances and base their decisions on mature analysis and judgment.

In any event, doctors are required to obtain informed consent from every patient facing surgery, which ensures that an abortion would not be performed on any woman incapable of giving consent.

Don't laws restricting abortion also contain alternatives for mature minors or those who fear parental reprisals?

Yes. Most state laws requiring parental notification or consent allow a pregnant minor to go to court and request permission for a confidential abortion (that is, without parental involvement). But this process usually requires a teenager to make an appointment with the court, travel some distance, and either find an attorney or plead her own case before one or more court officials.

This procedure, called a judicial bypass, is costly and often humiliating and traumatizing. Teenagers must reveal detailed personal information to as many as 20 or more strangers on staff in the court system. In small communities, word may get back to parents, thus defeating the purpose of the bypass, which is to ensure privacy. This anxiety-producing judicial process is a heavy burden to place on young women who are simply seeking health services.

Another problem is that the bypass discriminates against the poor. Young women who lack financial resources and supportive families—that is, those most in need of help—are the least likely to be able to navigate the complicated bypass process. For such teenagers, the complexities and delays involved may cancel out the option of safe and legal abortion.

Aren't legal delays justified when a teenager might risk physical and emotional harm by having an abortion?

Actually, delays increase the risk of harm. The longer a teenager waits to terminate a pregnancy, the greater the risk to her health. Furthermore, childbirth is more risky at all stages of pregnancy than abortion. Statistics compiled by the federal Centers for Disease Control and other sources indicate that the risk of death from

childbirth is, on average, 24 times higher than the risk of death from abortion at up to 12 weeks of pregnancy. Teenagers are more likely than adults to suffer medical complications attributable to childbirth.

Access to legal abortion in the United States has dramatically improved women's health. Abortion is not only one of the safest surgical procedures available, it is generally safer for teenagers than for adults. Moreover, a recent government study found that unmarried, sexually active teenage girls who chose abortion experienced no emotional damage; rather, they gained a sense of control over their lives.

What are the consequences, besides increased health risks, of restricting teens' access to abortion?

Laws that restrict access to abortion by requiring parental involvement increase teenage birth rates. For example, according to testimony in the reproductive freedom case, *Hodgson v. Minnesota*, the Minneapolis birthrate rose 38.4 percent among mothers aged 15 to 17 after enforcement of a parental notification law. The birthrate for 18 to 19 year-old women, who were not affected by the law, rose only .3 percent during the same period.

Having little education, few skills and responsibility for a child they may not have wanted, teenage mothers and their children are seven times more likely to slide into poverty. According to national estimates, children born to teenage mothers in 1987 will receive more than \$5.5 billion in federal welfare payments over a 20-year period. And because children born to teenagers are often unwanted, those children may suffer severe psychological and educational disadvantages. As for the minors themselves, their entire adult lives are often limited, if not ruined, by government laws that effectively force them into motherhood.

Do restrictions on minors affect the reproductive choices of other women?

Yes, abortion restrictions directed at minors affect the reproductive rights of all women. Those rights are rooted in the privacy principle—that is, choices about childbearing are personal, private and none of the government's business. When government invades the realm of privacy to limit the reproductive freedom of teenagers, it undermines the privacy principle and threatens the privacy rights, not only of all women, but of all Americans.



What can be done to provide genuine help for teenagers and, thus, reduce their need for abortion?

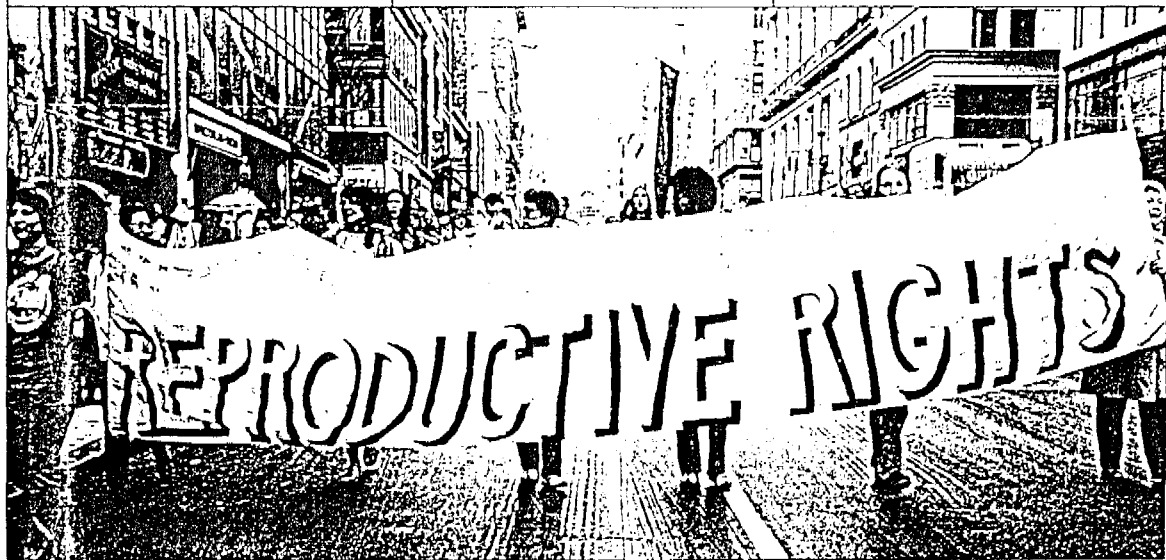
States can and should provide confidential reproductive health services and counseling programs that are accessible to teenagers before they become pregnant. These programs should dispense candid information about sexuality, reproduction, contraception, and the importance of family support and communication. Such programs could not only reduce the number of unwanted teen pregnancies, but they could also strengthen family bonds and prevent family crises that are precipitated by teenage pregnancies.

Most important, a teenager should be afforded the security of knowing she can assume the adult role of motherhood if and when she, not the government, chooses. Reproductive freedom—including the right to confidential contraception, abortion and prenatal care services—is essential to this goal. Intrusive state laws that claim to encourage family communication, while clearly undermining the best interests of families, ill serve teenagers. Those laws interfere with the right of private decision-making and do nothing to stem the high rate of unwanted teenage pregnancies.

The ACLU, in cooperation with other organizations, will continue to provide legislative advocacy and information to the public, aimed at securing reproductive freedom for all women. This includes minors, who are entitled to the same rights of privacy guaranteed to all citizens by the Constitution.

ACLU

American Civil Liberties Union
132 West 43rd Street
New York, N.Y. 10036





Missoula Youth Homes

Shirley M. Miller Attention Home
Susan Talbot Youth Care Center
Tom Roy Group Home
Treatment Foster Care Program

550 North California
P. O. Box 7616
Missoula, MT 59807-7616
Telephone (406) 721-2701
Fax (406) 721-0024

February 13, 1995

Mr. Chairman and Members of the Committee:

I am sorry I cannot attend this hearing in person but I have asked that Ms. Deborah Frandsen read my testimony into the record.

For the record, my name is Geoffrey Birnbaum and I am Executive Director of Missoula Youth Homes. I have been Director since 1976 and have a total of 25 years working with troubled and damaged youngsters. You could say I am an expert, of sorts, with children whose families may not be up to participating in such a momentous decision as one involving "choice."

As a parent myself, with a recently (yesterday) turned 18 year old daughter, I applaud this bill's efforts to maintain family integrity and the effort to encourage family involvement in birth/medical issues regarding their minor children. I would support an effort to give encouragement to parental involvement whenever possible. Unfortunately that decision to involve parents cannot be a very simple process. Provisions to allow waiver of notice begin to touch on the complexity of this issue. But you are suggesting a confidential process to waive parental rights. This violates the concept of this law even before you look at the abortion or choice issue.

In the end one realizes it is best a decision left to the professional and confidential relationship of physician and patient. A strong family will already be involved with their daughter in health care and choice of physician. Such an involved physician will make a good choice regarding advice or parental notification. Any attempt to mandate parental involvement will put some teenager at risk. I do not think one can write all the waivers into the law without long study and compromise by all involved advocacy groups and parties. The legislature is not that forum. I would suggest that this bill's intent might be sound but it needs study to accomplish any remedy without causing further issue. This proposal should be defeated and referred to Public Health for development of standards for parental notification.

Thank you for your attention.



Planned Parenthood of Missoula

EXHIBIT 20
DATE 2/14/95
HB 482

Chairman Clark and Members of the Committee, thank you for allowing my testimony to be read today, I regret that I cannot be there in person, but the weather made it too dangerous.

My name is Deborah Frandsen, I am Executive Director of Planned Parenthood in Missoula and I am writing in opposition to House Bill 482. Planned Parenthood is a family planning clinic which provides services such as pap smears, contraceptives, breast and testicular exams, counseling and education, sexually transmitted disease screening and care and much more. We provide these services on a sliding fee basis and no one is turned away due to inability to pay. We also provide abortions and have been doing so for over a year.

We do not debate the fundamental assumption of this bill, which is that it is preferable for parents to know when their daughter is facing a terribly difficult situation and decision. No one is disputing that. Our contention with this bill is the notion that the government knows best when it comes to families. We contend that the actual family member knows best.

First off, it is essential that you know that most teenagers do tell their parents. At our clinic at least two-thirds do. Those who feel unable to, we designate for extra counseling time and attention. In these counseling sessions we help them sort out their fears, perhaps separating the realistic from the unrealistic, we role-play with them as to how they might tell a parent and we give them help in dealing with the repercussions. They are completely informed of all their options and the risks of both abortion and childbirth.

Also, if at any time a teen tells of us of abuse, we are mandated by state law, as health care providers, to report the abuse to the Department of Family Services.

In the past six months, five girls have not told their parents. Each had a very compelling reason including Catholic parents, Mormon parents, a recent death in the family and a certain fear that the revelation of the pregnancy would lead to her immediately being kicked out of the house.

Also, you must know that teens often come to us very late in their first trimester, perhaps it is denial, perhaps it's fear, but often we have only a few days before they are in their second trimester at which time the procedure becomes increasingly risky, expensive and less available to them. Our concern that the 48 hours can, when combined with weekends, delays, and bureaucracy stretch into days and weeks.

More to the point, our deepest concern is for the teenage girl herself. She may feel that she has been placed in an impossible situation: either forced to tell her parents which could be absolutely explosive or negotiate a legal system where she may feel both overwhelmed and fearful of a loss of confidentiality. When faced with this, she may make a third, very dreadful choice. She may attempt to self-abort or may attempt suicide.

Please, in your sincere desire to help teenage girls, don't pass legislation which could endanger the very lives you are attempting to protect.

ABORTION WOULD HAVE HURT MOM AND DAD

482

by Mark Patinkin, writer for the Providence Journal

She told her parents she was going to a party with a friend. She left the house around 7 p.m. on a Saturday night in September 1988. Her name was Rebecca Bell. She was 17 years old.

She did not get home until close to 1 a.m., later than usual, but it did not greatly upset her folks, Bill and Karen.

Rebecca had always been a reliable daughter. After school, she worked as a supermarket cashier. She spent a lot of time baby-sitting for nieces and nephews. She volunteered for the Humane Society and wanted to be a veterinarian.

The next morning, Becky said she did not feel well; she said the same on Monday, but went to school anyway. By Wednesday, she was feeling feverish and stayed home. By Friday she was feeling sicker still.

Bill Bell, a regional marketing representative for an office-products firm, often worked out of the house. He was there Friday morning, urging Becky to let him take her to a doctor. She told him she'd be all right.

By midday, seeing his daughter acting even sicker, Bill finally insisted. At the doctor's office, they took an X-ray and found Becky had pneumonia. Her left lung was already filling with fluid. Her parents drove her to an Indianapolis hospital. By the time they got there, she had to be taken inside by wheelchair. The staff began trying to stabilize her and soon urged Bill and Karen to take time out for dinner.

They returned only 40 minutes later. As they stepped off the elevator, they were met by a nun from the hospital chaplain's office. The nun told them Becky was unconscious and had been rushed to the intensive care unit.

A doctor there took Bill and Karen Bell aside. He said the infection was rampant and beginning to destroy her lungs. It would be a miracle if they were able to save her. Three hours later, at 11:30 p.m., several doctors came into the private waiting room where Bill and Karen had been sitting. The doctors said they were sorry. They'd done everything they could.

The next morning, the Bells' phone rang about 5 a.m. It was the coroner. He said the hospital had asked for an investigation, and he would be informing them of the results. Later that day the coroner called back. He told them he'd found the cause of the infection that resulted in their daughter's death.

She had been the victim of a botched abortion.

Over the next months, Bill and Karen pieced together how it happened. They spoke with Becky's best friend. The friend explained how Becky had confided in her that she was pregnant, that her boyfriend, upon being told, wanted nothing to do with it. Becky had gone next to Planned Parenthood, which explained to her that Indiana law required all girls under 18 to get the consent of at least one parent for an abortion.

Bill and Karen asked why Becky hadn't come to them. "I can't hurt Mom and Dad," Becky had told her friend. "I love them too much."

The law also allowed Becky to get a judge's waiver of parental consent, but she couldn't face going into a public courtroom.

"My belief," Bill Bell says today, "is that on that Saturday night, someone either used a coat hanger or a knitting needle; someone botched her. Here was a desperate little girl who didn't want to disappoint her parents, so that's what she did."

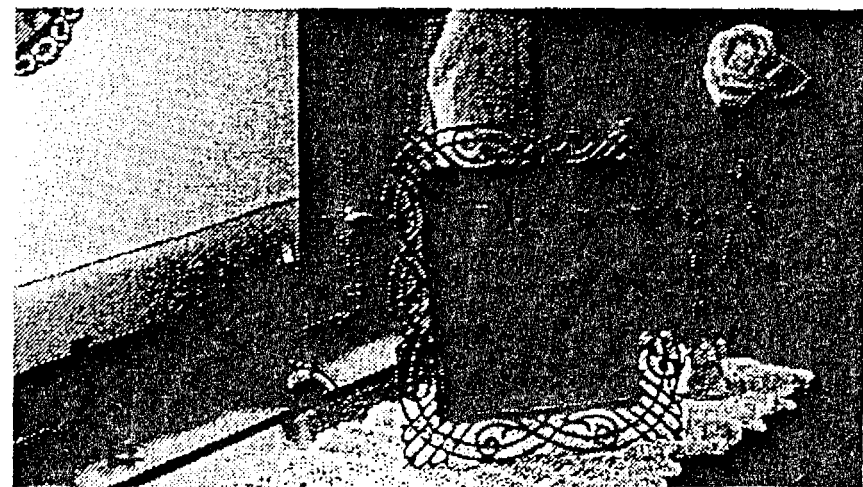
Bell thinks it is best for girls to turn to their parents when faced with the decision of abortion. But he understands many may not be ready; a full one-third ask judges to waive parental notification.

And what of the others who cannot face either a courtroom or their parents?

Bell is convinced the parental notification law killed his daughter. He asks legislators everywhere who have the power to make or unmake such laws, to think of Becky Bell.

(Printed with permission from Mark Patinkin, Providence Journal)

Presently, Iowa law does not require parental notification before a girl under 18 receives an abortion. The recent Supreme Court rulings could open the door for such laws in the Iowa legislature. Contact your legislator today and express your concerns about these devastating laws.



BECKY BELL 1971-1988

A 17-YEAR-OLD INDIANAPOLIS HIGH SCHOOLER, BECKY BELL DIED FROM A BOTCHED ABORTION AS A DIRECT RESULT OF INDIANA'S SO-CALLED "PARENTAL CONSENT" LAW. NOT WANTING TO "DISAPPOINT" HER PARENTS BY TELLING THEM OF HER DILEMMA, BECKY'S ONLY LEGAL CHOICES WERE TO SNEAK ACROSS THE STATE LINE TO KENTUCKY FOR A SAFE, LEGAL ABORTION OR TO BEG AN ANTI-CHOICE JUDGE TO GRANT HER A WAIVER. SHE NEVER MADE IT TO KENTUCKY, DYING OF A MASSIVE SEPTIC INFECTION FROM THE BOTCHED ABORTION. BECKY'S PARENTS HAVE BECOME OUTSPOKEN CRITICS OF "PARENTAL CONSENT" LAWS THAT ENDANGER THE LIVES OF YOUNG, HELPLESS WOMEN WITH NO CHOICE AND NO PLACE TO TURN.

♦ In 1986, two-thirds of all children under three who lived in families in which the head of household was younger than 22 were poor.¹⁸

LEGAL AND PUBLIC POLICY IMPLICATIONS OF PARENTAL CONSENT AND NOTICE LAWS

The Legal Status of Parental Consent and Notice Laws

♦ In Bellotti v. Baird, which involved a parental consent law that had never gone into effect, the Supreme Court recognized that the constitutional right to abortion applies to minors as well as adults, but acknowledged that under certain circumstances parental involvement could be appropriate. While not addressing what might happen if a law when in effect actually did interfere with the minors' right, the Court required that at a minimum a parental consent law contain a "judicial bypass procedure" which allows minors who do not wish to involve their parents to obtain judicial authorization for the procedure.¹⁹

♦ In Hodgson v. Minnesota, the Supreme Court evaluated a Minnesota law which required notice to both parents, with limited exceptions. The bottom-line result of this complex opinion is that the Minnesota law is unconstitutional without a judicial bypass procedure but constitutional with a judicial bypass.²⁰

♦ In Ohio v. Akron Center for Reproductive Health, the Supreme Court held constitutional an Ohio law which required notice to one parent or judicial authorization under a judicial bypass procedure before a minor could have an abortion. However, the Court left open the question of whether a judicial bypass is constitutionally required in a one parent notice law.²¹

♦ It cannot be assumed that all parental involvement laws which have a judicial bypass will be found constitutional because of the Supreme Court's decisions in Hodgson and Akron Center for Reproductive Health. For example, if access to the judicial bypass procedure is restricted, minors' petitions unfairly denied, or other failings are present, a consent or notice law may be struck down.

Conflicts With Established Medical Practices

♦ Forced parental involvement laws for abortion conflict with the trend in most states, to allow minors themselves to consent to sensitive health services, including pregnancy-related care; family planning services; treatment for sexually transmitted diseases; and treatment for drug and alcohol addiction. Laws allowing minors to consent to sensitive and intimate health care recognize that parental involvement is not always appropriate and may impose a barrier to treatment.²²

♦ Forced parental involvement is contrary to established medical practice. Minors are routinely encouraged to involve a parent or other significant adult but counselors recognize that parental involvement is not always in a minors' best interests and that laws mandating involvement can jeopardize young women's health. In any event, under well-established legal and ethical principles governing the informed consent process, minor women and adults considering abortion already are counseled fully about the procedure, its risks and benefits, and its alternatives.²³

PARENTAL CONSENT AND NOTIFICATION LAWS

A total of seventeen states currently enforce some sort of parental involvement requirement.¹ However, laws requiring parental consent or notice before a minor may have an abortion are actively being considered by state legislatures or are being reviewed in courts throughout the country.

Anti-choice groups have been the impetus for the enactment of parental consent and notice laws by state legislatures.² Although anti-choice advocates promoting these laws have stated that one of their goals is to restrict access to abortion, they have also argued that consent and notice laws foster communication between young women and their parents and are necessary to protect young women's health. Pro-choice groups, and medical, psychological and social service organizations opposing parental consent and notice laws argue that they do not improve family communication and can harm young women's health and best interests. Described below are some of the arguments made in opposition to these laws and their legal and public policy implications.

THE HARM CAUSED BY PARENTAL CONSENT AND NOTICE LAWS

Adverse Effects on Parent-Child Communication

♦ Most young women, and especially those under the age of 15, voluntarily choose to tell at least one of their parents about their pregnancy.³ In fact, a comparison of parental notification rates in a state that forces parental involvement and one that does not, found that notification rates were the same; in both states more than 60% of minors notified one parent.⁴

♦ Providers and individuals who work with minors report the reasons that minors do not tell their parents include: psychiatric or physical illness of a parent, chemical abuse and dependency of a parent; parents' religious or moral anti-abortion or anti-sex views; and a likelihood of abusive verbal, physical or sexual response by a parent.⁵

♦ As Justice Marshall stated in Hodgson v. Minnesota, relying on extensive factual findings made by the district court based on the five years that a two-parent notice law was in effect, "[t]he disclosure of a daughter's intention to have an abortion often leads to a family crisis, characterized by severe parental anger and rejection. The impact of any notification requirement is especially devastating for minors who live in fear of physical, psychological or sexual abuse."⁶

♦ The Hodgson Court also found that particularly harmful effects result from laws that require the consent or notification of both parents. This is especially true for single-parent families. In Hodgson, the record showed that relations between the minor and the absent parent were not reestablished, often producing disappointment in the minor; and the reaction of the custodial parent was frequently one of anger, resentment, frustration and fear that notice would promote intrafamily violence, a fear that was often realized.⁷

♦ Laws that force parental involvement prevent families from resolving sensitive, highly personal matters without governmental interference and conflict with a family's judgement about how it should function.

References

1. These states are: Alabama, Arkansas, Connecticut, Indiana, Louisiana, Maine, Massachusetts, Minnesota, Missouri, North Dakota, Ohio, Rhode Island, South Carolina, Utah, West Virginia, Wisconsin, and Wyoming. A parental consent law in Michigan will go into effect on April 1, 1991.
2. Transcript of Record at 605-606, Hodgson v. Minnesota, 648 F. Supp. 756 (D. Minn. 1986) (On file with the ACLU Reproductive Freedom Project.)
3. Torres, Forrest and Eisman, "Telling Parents: Clinic Policies and Adolescents' Use of Family Planning and Abortion Services," 12 Fam. Plan. Persp. 284 (1980).
4. Blum, Resnick and Stark, "The Impact of a Parental Notification Law on Adolescent Abortion Decision-Making," 77 Am. J. Public Health 619 (1987).
5. ACLU Reproductive Freedom Project, "Parental Notice Laws: Their Catastrophic Impact on Teenagers' Right to Abortion," 6 (1986).
6. Hodgson v. Minnesota, 110 S. Ct. 2926, 2953 (Justice Marshall, concurring in part and dissenting in part).
7. Hodgson, 110 S. Ct. at 2938.
8. Missouri Department of Health, Missouri Monthly Vital Statistics, Vol. 23 No. 11 (Jan. 1990), and Pierson V., Pregnancy Options for Teenagers: Missouri Residents 1980-1989, paper presented at the American Public Health Association Conference, New York (Oct. 1990).
9. Cartoof and Klerman, "Parental Consent for Abortion: Impact of the Massachusetts Law," 76 Amer. J. Public Health 397 (April 1986).
10. Donovan, "Judging Teenagers: How Minors Fare When They Seek Court-Authorized Abortions," 15 Fam. Plan. Persp. 259 (Nov./Dec. 1983).
11. Minnesota Department of Health, Minnesota Health Statistics (1987); and Trial Record, Plaintiff's Exhibit 116, Hodgson v. Minnesota, 648 F. Supp. 756 (D. Minn. 1986).
12. Missouri Department of Health, supra note 11; Plaintiff's Exhibit 122 in Hodgson v. Minnesota, 648 F. Supp. 756 (D. Minn. 1986).
13. The Alan Guttmacher Institute, Abortion and Women's Health 29 (1990).
14. Missouri Department of Health, supra note 11; Plaintiff's trial exhibit 116 in Hodgson v. Minnesota.
15. Center for Population Options, Adolescent Sexuality, Pregnancy and Parenthood (1990).
16. Id.
17. Id.
18. The Children's Defense Fund, Teenage Pregnancy: An Advocate's Guide to the Numbers 30 (1988).
19. 443 U.S. 622 (1979).
20. 110 S. Ct. 2926 (1990).
21. 110 S. Ct. 2972 (1990).
22. Gittler, Quigley-Rick and Saks, Adolescent Health Care Decision Making: The Law and Public Policy 8-12 (1990).
23. American Medical Association, Current Opinions of the Council on Ethical and Judicial Affairs of the American Medical Association - 1986 31-32.

Council Report

Induced Termination of Pregnancy
Before and After *Roe v Wade*

Trends in the Mortality and Morbidity of Women

Council on Scientific Affairs, American Medical Association

The mortality and morbidity of women who terminated their pregnancy before the 1973 Supreme Court decision in *Roe v Wade* are compared with post-*Roe v Wade* mortality and morbidity. Mortality data before 1973 are from the National Center for Health Statistics; data from 1973 through 1985 are from the Centers for Disease Control and The Alan Guttmacher Institute. Trends in serious abortion-related complications between 1970 and 1990 are based on data from the Joint Program for the Study of Abortion and from the National Abortion Federation. Deaths from illegally induced abortion declined between 1940 and 1972 in part because of the introduction of antibiotics to manage sepsis and the widespread use of effective contraceptives. Deaths from legal abortion declined fivefold between 1973 and 1985 (from 3.3 deaths to 0.4 death per 100 000 procedures), reflecting increased physician education and skills, improvements in medical technology, and, notably, the earlier termination of pregnancy. The risk of death from legal abortion is higher among minority women and women over the age of 35 years, and increases with gestational age. Legal-abortion mortality between 1979 and 1985 was 0.6 death per 100 000 procedures, more than 10 times lower than the 9.1 maternal deaths per 100 000 live births between 1979 and 1986. Serious complications from legal abortion are rare. Most women who have a single abortion with vacuum aspiration experience few if any subsequent problems getting pregnant or having healthy children. Less is known about the effects of multiple abortions on future fecundity. Adverse emotional reactions to abortion are rare; most women experience relief and reduced depression and distress.

(JAMA. 1992;268:3231-3239)

UNTIL the mid 19th century, the induced termination of pregnancy through the first trimester (ie, the first 12 weeks of pregnancy) was legal in the United States under common law.¹ At that time, several state legislatures enacted laws proscribing such procedures, a result of efforts to discourage illicit sexual conduct, growing concerns about the hazards of medical and quasi-medical abor-

tion procedures on women's health, and effective lobbying by physicians.¹ By 1900, abortion was prohibited by law throughout the United States unless two or more physicians agreed that the procedure was necessary to preserve the life of the pregnant woman.² By the late 1960s, state legislatures began to reconsider the legalization of abortion in response to changes in public opinion and opinions from national medical, legal, religious, and social welfare organizations.³ Between 1967 and 1969, 13 states (Arkansas, California, Colorado, Delaware, Florida, Georgia, Kansas, Maryland, New Mexico, North Carolina, Oregon, South Carolina, and Virginia) modified their abortion laws, though

on a national basis in *Roe v Wade* (410 US 113, 1973) and *Doe v Bolton* (410 US 179, 1973), 17 states had liberalized their abortion laws.⁴

In *Roe v Wade* and *Doe v Bolton* the Supreme Court ruled that states could not interfere with the physician-patient decision about abortion during the first trimester of pregnancy (12 weeks and earlier), and that during the second trimester (13 to 28 weeks), a state could intervene only to ensure safe medical practices reasonably related to maternal health. For the third trimester (29 to 40 weeks), a state could regulate and even proscribe abortion unless medical judgment deemed the procedure necessary to preserve the life or health of the pregnant woman. Although obliged to comply with these guidelines, states continue to differ in how easily a woman can obtain an abortion. For example, 30 states and the District of Columbia prohibit the use of state funds to pay for an abortion unless the woman's life is in danger; eight other states permit public funding in limited circumstances such as a pregnancy resulting from rape or incest.⁵ Mandatory waiting periods and/or parental consent or notification laws have also been used to deter

From the Council on Scientific Affairs, American Medical Association, Chicago, Ill.

This report was presented to the House of Delegates of the American Medical Association at the June 1992 Annual Meeting as Report H of the Council on Scientific Affairs. The recommendation was adopted as amended and the remainder of the report was filed.

This report is not intended to be construed or to serve as a standard of medical care. Standards of medical care are determined on the basis of all the facts and circumstances.

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

Members of the Council on Scientific Affairs at the time of the report included the following: Yank D. Coble, Jr, MD (Vice-Chairman), Jacksonville, Fla; E. Harvey Estes, Jr, MD (Chairman), Durham, NC; C. Alvin Head, MD (Resident Representative), Tucker, Ga; Mitchell S. Karlan, MD, Beverly Hills, Calif; William R. Kennedy, MD, Minneapolis, Minn; Patricia Joy Numann, MD, Syracuse, NY; William C. Scott, MD, Tucson, Ariz; W. Douglas Skelton, MD, Macon, Ga; Richard M. Steinhilber, MD, Cleveland, Ohio; Jack P. Strong, MD, New Orleans, La; Christine C. Toews (Medical Student Representative), Greenville, NC; Henry N. Wagner, Jr, MD, Baltimore, Md; Jerod M. Loeb, PhD (Secretary), Chicago, Ill; Robert C. Rinaldi, PhD (Assistant Secretary), Chicago, Ill; and Janet E. Gans, PhD (staff author), Chicago, Ill.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/14/95

BILL NO. HB 482 SPONSOR(S) Rep G. Hines

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppos
STEVENSVILLE TX Dallas D Erickson	Self	X	

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Minors Travel Out of State and No Reduction in Teen Pregnancy Rates

♦ In states with consent and notice laws many minors travel to states without laws to obtain a confidential abortion. Since a parental consent law went into effect in Missouri, the Department of Health has documented that "the percent of teens going out of state to obtain abortions has increased so that by 1989 almost one-third of the abortions performed on Missouri residents under the age of 18 occurred in a state other than Missouri."⁸

♦ In Massachusetts, researchers have reached the same conclusion; the number of minors going out of state for abortions increased substantially after a parental consent law was enacted.⁹ Before the law went into effect, about 7 - 8 minors obtained abortions in neighboring states each month. One year later, that number had climbed to 95 teens traveling out of state each month. As in Missouri, this number means that approximately one in every three minors obtained their abortions outside the state.

♦ In Rhode Island, providers estimate that 49% of minors who contact an abortion clinic decide to go out of state.¹⁰

♦ Data demonstrates that parental consent and notice laws do not reduce teen pregnancy rates. In Missouri, where a consent law has been in effect since 1985, and in Minnesota, where a notice law was in effect from 1981 to 1986, teen pregnancy rates did not change.¹¹ Decreases in the in-state abortion rate were offset by increases in the teen birth rate.

Later Abortions and Harmful Effects on Minors' Health and Futures

♦ Consent and notice laws also delay minors' abortions. In Missouri and Minnesota the number of teens having second trimester abortions has increased since parental consent and notice laws went into effect.¹²

♦ Later abortions expose minors to greater health risks and are more complicated than those performed during the first trimester. Abortions performed at 11 or 12 weeks of pregnancy are three times more dangerous than those performed at or before eight weeks, although abortion is still much less risky than childbirth.¹³

♦ For some young women -- those who are unable to tell their parents, unable to travel to another state, or unable to obtain judicial authorization for an abortion -- abortion is not an option and they are forced to give birth. In both Missouri and Minnesota, teen birth rates have increased since the passage of forced parental involvement laws.

♦ In Missouri, a parental consent law reversed a trend of declining teen birth rates before the law went into effect. In the City of Minneapolis, the place with the most complete data available, the birth rates for minors under 17 rose 38.4% after the notice law went into effect, whereas the birth rates for those over 17 held stable.¹⁴

♦ Compared with older women, minors are at a much greater risk during pregnancy from serious medical complications including anemia, toxemia, cervical trauma and preterm delivery.¹⁵

♦ At least 40,000 minors drop out of school each year because of pregnancy. Teenage mothers are less likely to ever complete high school than minors who delay childbirth.¹⁶

♦ Teenage mothers earn about half the lifetime income of women who first give birth in their twenties.¹⁷

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2.14.95

BILL NO. HB 482 SPONSOR(S) Rep. Grimes

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Richard T Apper	Montana Right To Life	+	
BRANDON HOLT	MONT CAT H CONF	X	
Dwain Hartman	Intermountain Planned Parenthood		X
Chris Schwitzer	myself		X
Mary Skjelset	myself		X
Angela Browne	Self	+	
Lennie Kestrick	Christian Coalition of MT	✓	
CHARLES J. LORENTZEN	SELF	✓	
Andy Klein	self	✓	
8505 Hwy 35 Walt Dupea, Bigfork	Self	✓	
Scott Christy	ACLU/MT		✓
SHARON TOFF	MONT CAT HOLIC CONF	✓	
Anna L. "Luz" Kenting	self	✓	
Ann Brodsky	SELF		

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MT Women's Lib by

Self

Beth Sherman

Brenna Dornance Self

JUDICIARY

DATE _____

2/14/92

BILL NO.

SPONSOR(S)

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legislation to guide the national government was appealing to him. He refuted testimony that this would prevent the filing of injunctions and that it is based on greed, but said that it is about the employees who have been affected by the actions.

EXECUTIVE ACTION ON HB 482

Motion: REP. GRIMES MOVED HB 482 DO PASS.

Discussion: REP. SHEA said she had a problem with the bill in that there was no discussion about what they would do about the children who would not discuss the abortion with the parents but would choose a dangerous course of action.

REP. AHNER asked REP. SHEA if her daughter were to go through something like this at age 15, wouldn't she want to know.

REP. SHEA said she would and that was representative of her family, but not everybody has that circumstance. She said there are kids who would not play by the rules and they would cross state borders or seek back street abortions or harm themselves.

REP. AHNER said that in some cases, the opinion of the child about their parents that the parents would not understand is in error. She acknowledged those families which are dysfunctional which would not be supportive and might even abuse the girl. But she felt both kinds of families must be represented. She supported the belief that in times of crisis families can find the support and discover their love and support of one another to make the appropriate decision. She referred to the long-term implications and said that unless a person had gone through it, they had no way of knowing what those implications were.

{Tape: 2; Side: A}

REP. SHEA and REP. AHNER continued to discuss their points of view dealing with the dysfunctional families and that the bill ignored their needs versus the need for other families to have the opportunity to share in the decision.

REP. SMITH agreed that there are dysfunctional families, but said that it is not government's responsibility to make decisions for dysfunctional families. She felt that there were educational programs available in local communities which would provide accurate information and support. Sometimes a crisis can be a stepping stone for families to begin looking beyond their dysfunctional behavior, she stated as a result of her experience in working within community programs dealing with abortion.

REP. DIANA WYATT gave her perspective as a mother of a daughter and the inability of parents to protect their children from all things which might harm them. But she felt they were talking about the constitutional rights of those individuals rather than

their being property of the parents. She felt this bill would make people whom she believed to be the majority do what they were going to do anyway. For the small component of society which would not do the right thing, she believed they would be forced to engage in paternalistic and invasive methods to conform. She objected to the exclusion of references to forcing a daughter to bear the child while the bill addressed the prohibition against coercing a girl to have an abortion. She felt that it was an inappropriate intrusion of the legislature to consider this act.

REP. SHEA objected to the idea that this would bring people together for communication.

REP. MOLNAR said he could think of two instances where a girl would not want to involve her parents. One would be that she would be afraid of hurting them with disappointment. The other fear would be of physical violence against her. In that case, it would be appropriate for her to contact the authorities to intervene and act as facilitators in communication. He did not see any danger in this legislation to his daughter or anyone else's daughter would might be in this situation.

REP. AHNER thought there were assumptions that all parents would opt for birth over abortion. With parental notification, there would be parents who would encourage abortion. She said it was not an anti-abortion bill, but just a notification bill. With the reality of the surgery and potential ramifications, it seemed reasonable to her to provide the notification to parents.

REP. CLIFF TREXLER supported the bill and cited the reasons from cases where teachers handled the setting up the abortions. He felt the bill would put an end to well-meaning people who did not belong in it from intervening in the decision process.

REP. SOFT cautioned the committee from making decisions based on assumptions or on how this might impact unknown numbers negatively. He said parents want to be there for major invasive type surgery. The financial part of raising the baby could be addressed through adoption, and therefore, he supported the bill.

REP. ELLEN BERGMAN said the committee had been dealing with many aspects of protecting parental rights in other areas such as juvenile justice and could not see a difference with this issue. She took exception to the young girls who testified as opponents of the bill as being too immature to know the reality of the situation.

REP. SHEA asked again for someone to address how they would protect the other group of people, whether they were functional or dysfunctional, who would not play by the rules.

REP. AHNER said they could not protect all groups of people and all the bills they deal with have ramifications on both sides. Currently parents' rights were not being protected.

REP. GRIMES said the statistics show that in the other 24 states with this legislation, there are very few, if any, dangerous abortions which result from this law. The assumption is that abortions are safe without this law. He said it is a difficult and dangerous medical procedure. In the emotion of the problems and difficulties they are facing at that age, they are not threatening to take matters into their own hands. There is a judicial bypass provision in the bill for those who could not deal with a dysfunctional situation.

REP. SHEA reiterated that there is a group of people who are being ignored and was curious about where the statistics would reflect those who cross state borders or have back street abortions.

John MacMaster presented a clean-up amendment for the language of the bill on page 5, lines 4, 13 and 18 to include "knowingly" to conform to statutory requirements. On line 13 "is guilty of a misdemeanor" and on line 14, "upon conviction" should be struck.

Motion: REP. MC GEE MOVED THE AMENDMENT.

Discussion: REP. GRIMES objected to the amendment not having been discussed prior to the meeting because he did not understand the implications of it, but said he would support it.

{Tape: 2; Side: A; Approx. Counter: 31.0}

REP. CURTISS said she did not understand the necessity of the amendment and asked if the amendment was presented by a committee member or had been the suggestion of Mr. MacMaster.

CHAIRMAN CLARK said that Mr. MacMaster was only pointing out clean-up language for the bill.

REP. GRIMES said he was going to oppose the amendment because he had talked with the persons who had helped draft the language and because he did not know what the implications were, but he would be willing to consider inserting the language further on in the process.

{Tape: 2; Side: A; Approx. Counter: 33.2}

Vote: The motion failed by voice vote.

Vote: The DO PASS motion carried 13 - 6 by roll call vote. (REP. MC CULLOCH voted by proxy.)

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 2/15/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 482 (first reading copy -- white) do pass.

Signed: Bob Clark
Bob Clark, Chair

Committee Vote:
Yes 13, No 6.

391242SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Judiciary Committee

DATE 2/15/95 BILL NO. ^{HB} 482 NUMBER _____

MOTION: Do Pass

NAME	AYE	NO
Rep. Bob Clark, Chairman	✓	
Rep. Shiell Anderson, Vice Chairman, Majority	✓	
Rep. Diana Wyatt, Vice Chairman, Minority		✓
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Boharski	✓	
Rep. Bill Carey		✓
Rep. Aubyn Curtiss	✓	
Rep. Duane Grimes	✓	
Rep. Joan Hurdle		✓
Rep. Deb Kottel		✓
Rep. Linda McCulloch		✓
Rep. Daniel McGee	✓	
Rep. Brad Molnar	✓	
Rep. Debbie Shea		✓
Rep. Liz Smith	✓	
Rep. Loren Soft	✓	
Rep. Bill Tash	✓	
Rep. Cliff Trexler	✓	

however, they are well paid for that business. They are quite familiar with the people they deal with. If he has a court case and everyone shows up except the defendant, the state pays for that jury. The state should not have to underwrite the bail bondsman business. He presented his written testimony, **EXHIBIT 2.**

Informational Testimony: None

Questions From Committee Members and Responses:

SENATOR SUE BARTLETT, referring to the part of the bill dealing with someone dying or being incarcerated, asked what the affect of this bill would be? Would the bail bondsman be able to keep the money which had been paid to them for that bond?

Mr. Rusefet stated that they are asking to be released from the bond if the defendant is incarcerated in another jurisdiction and cannot make his appearance. A bail bond is an insurance policy. They accept a premium and often times take collateral.

SENATOR BARTLETT asked what the word "exonerated" meant to him in the context "the surety bail bond must be exonerated", page 3, lines 20 through 22.

Mr. Rusefet stated that meant it would be no longer valid and should be given back to the bail agency.

SENATOR BARTLETT asked what the current situation is under existing law in that instance.

Mr. Rusefet stated they would have to pay the bond to the court.

Closing by Sponsor:

REPRESENTATIVE BARNETT offered no further comments on closing.

HEARING ON HB 482

Opening Statement by Sponsor:

REPRESENTATIVE DUANE GRIMES, House District 39, Clancy, presented HB 482 requiring parental notification prior to an abortion for a minor. This bill recognizes the traditional rights of parents to direct the rearing of their children. It ensures that parents have the opportunity to discuss the medical histories of their children and have their questions answered regarding a very major medical procedure. It also ensures that teenagers talk with those who know them best regarding their decisions in the potential long range consequences. It increases teenage responsibility and is associated with reduced abortion and pregnancy rates in other states. It is supported by a majority of Americans. This bill has a judicial bypass as well as an alternative notification process. Section 4, line 22, states

that a physician may not perform an abortion upon a minor or an incompetent person unless the physician has given at least 48 hours' actual notice. Section 5 states a letter needs to be mailed if Section 4 has not been complied with. Section 7 prohibits coercion. Section 8 deals with reports which will be maintained confidentially. The House added that patient names and other identifying information may not be used on the form. Section 9 deals with the waiver. If the minor, possibly due to an abusive situation, feels that they are not able to notify one or the other parent of the abortion, they may use this judicial bypass. In (4) the language states that if the court finds by clear and convincing evidence that the petitioner is sufficiently mature to decide whether to have an abortion, the court shall issue a finding. Also, in (5) either (a) or (b) would provide for judicial bypass. This language refers to evidence of a pattern of physical, sexual or emotional abuse. Emotional is not included in a lot of other states. This allows for full consideration for those situations which may be very unfortunate. Section 10 deals with civil and criminal penalties. This bill deals with notification, not consent. Twenty four other states have similar legislation. A number of recent instances have occurred where a young lady has learned that she is pregnant. In many cases she will go to a high school counselor who advises her that she doesn't have to tell her parents and offers to help get an abortion. Later the parents find out that their child has gone through a major medical procedure. A lot of times there are bills to pay for recurring medical problems. In schools, our children are not allowed to take an aspirin without parental consent.

- Proponents' Testimony:

REPRESENTATIVE DAN MCGEE, House District 21, Laurel, stated this bill has nothing to do with whether or not a person may get an abortion. Abortion is legal. The question before the committee is one of policy. Policy of the state of Montana. Will Montana recognize the critical importance of a family? Will it recognize the fundamental and critical aspects of parents raising their children? Pregnancies happen in all families. The family unit has to stick together. The only way to accomplish that is to be aware of the problem.

Tim Whalen, Montana Right to Life Association, presented his written testimony, EXHIBIT 3, 4, 5. Eighty percent of the public consistently support parental involvement laws. Part of the bill allows for an exemption in the case of physical or emotional abuse. When a woman enters an abortion facility and indicates that she cannot notify her parents because of that abuse, going to court to request a waiver automatically triggers an investigation by the Department of Family Services and the Youth Court. Those individuals will be protected because the judicial process as well as the Department of Family Service and Youth Court process will be initiated to make sure those individuals are protected and, if appropriate, removed from the home.

Linda Lindsey stated her support of this bill. These girls who are getting abortions are very young. Their average age is 15, but sometimes they are as young as 12. Usually they are one to two years behind in school. Most will not finish high school. Because they are pregnant, they have a low self-esteem, are untrusting, and scared. Young pregnant girls are emotional and have a difficult time trying to realize what would be the best solution for their predicament. Because of their condition, they need someone to talk to who will stand beside them.

Kim Jones presented her written testimony, EXHIBIT 6.

{Tape: 2; Side: A}

Darrel Adams spoke in support of HB 482.

Cindy DeLay presented her written testimony, EXHIBIT 7.

Tammie Peterson presented her written testimony, EXHIBIT 8.

Sharon Hoff, Montana Catholic Conference, presented her written testimony, EXHIBIT 9.

Arlette Randash, Eagle Forum, presented her written testimony, EXHIBIT 10.

David Tschida presented his written testimony in support of HB 482, EXHIBIT 11.

Jonahben Noah stated his support of this bill. This bill addresses the rights of a parent to safeguard their children. He commented about a girl he knew who had a legal abortion which was botched. She was rushed to a hospital and needed a complete hysterectomy. If she had been able to speak with her parents, this may not have happened. We always want what is best for our children. If they mess up we may be disappointed; however, we do not stop loving them. This is his grandchild. He would be there to help raise this child. We are held accountable if we are neglectful as parents.

Adam Graham spoke in support of HB 482. There are protections in the laws protecting teens from unscrupulous business people. This is the only medical procedure available without parental consent or notification. He described the DNC method of abortion. He doesn't understand the parental consent needed for an aspirin when there is no parental consent needed for this completed operation.

Charles Lorentzen presented his written testimony, EXHIBIT 12. Last week, in three days, he gathered over 480 signatures supporting HB 482. He did not find one person to refuse. He presented a copy of the signatures, EXHIBIT 13.

Laurie Koutnik, Executive Director of Christian Coalition of Montana, stated they share the concern that the fundamental rights of parents are upheld. The most compelling reason to pass this bill is to maintain the integrity of families which provide the necessary insight, love and concern that parents alone have for their children. Parents alone have a complete medical history which should be considered before undergoing a major surgical procedure such as an abortion. Parents know the medical condition of their daughters better than any other adult. A study by the Fred Hutchinson Cancer Research Center in Seattle revealed that a woman who had an abortion before she was 18 years old had an 800% chance of increased risk of developing breast cancer. In Montana, 298 girls have had abortions before 18 years of age. In a crisis time such as this, a young girl may not weigh those risks but a parent could offer insight. In his book entitled, Aborted Women Silent No More, author David Reardon cites that only 42% of the aborted women receive Rh screening prior to their abortions. Even for the minority who are tested, the analysis of the blood samples are often rushed and inaccurate. Unless a woman with Rh negative blood receives an injection immediately upon abortion, sensitization may result in a later pregnancy which may endanger both the life of the mother and the child. Since minors are usually aborting their first babies, they may not know of the serious concern to be given to Rh factors. The greatest danger, however, is cervical damage which can result in a young woman expecting for the first time. For a minor in a crisis, these may not seem compelling reasons to consider options other than an abortion. However, a parent realizes life goes on after a crisis and they will exercise caution and farsightedness. There is strong evidence that abortion dramatically increases the risk of suicide. In a 1986 study at the University of Minnesota, they concluded that a teenage girl is 10 times more likely to attempt suicide if she had an abortion in the last six months compared to a teenage girl who has never had one.

Stephanie Quale stated many of her friends have found out they were pregnant and immediately made the choice of abortion before thinking it through. She supported passage of this bill.

Opponents' Testimony:

Eliza Frazer, Executive Director of Montana affiliate of the National Abortion and Reproductive Rights Action League, presented her written testimony, EXHIBIT 14. This bill, at best, will increase the medical risks which Montana's teens face and, at worst, it will put them at risk of dying. She called the state of Indiana to find out how many deaths they have had from legal abortion since 1974. They have had no deaths from legal abortion since 1974. Montana, since 1974, has had no deaths from legal abortion. After Indiana passed their parental consent law with judicial bypass, in 1989 there is a documented case of a teen dying because she had an illegal abortion. She was one of

this in Montana. The Supreme Court has set out some guidelines about what must be contained in a judicial bypass procedure to comport with the minor's right to have an abortion. It must allow a minor to skirt notification in cases of maturity or abuse. They must allow for anonymity of the minor and sufficiently expeditious procedure. Can this be accomplished by Montana's large distances and small population? A youth is required to go into Youth Court to obtain a judicial bypass. The Youth Court may meet twice a week. In Montana's sparse populations, anonymity is almost impossible when invoking the presence of the various officials in the judicial setting needed to accomplish judicial bypass. Montana's Constitution has a privacy clause. Both California and Florida, which are states that also have state privacy clauses, have found parental notification bills unconstitutional. As a parent she would want more than anything to know what was happening in her daughter's life. There is no way to legally insure that she would ever be notified if she had a child who was considering carrying a child to term. We have to hope that we have done a good enough job raising our children so that our children will want to involve us in decisions about various behaviors. If they don't, we should not legislate that.

Devon Hartman, Intermountain Planned Parenthood, presented her written testimony, **EXHIBIT 18**. A proponent stated that 42% of patients receiving abortions receive Rh testing. All patients in Montana receive Rh testing and appropriate Rh therapy if it is deemed advisable. This is done in accordance with CLEA regulations. Most abortions in the state of Montana are performed on women between 20 and 30 years of age. This bill would increase health risks to minors causing necessary medical care to be delayed and by impairing the ability of health care providers to give quality care. This law would punish young women for becoming pregnant. It would not promote family integrity, parent and child communication, or help with the young woman's decision making process.

Harmony Fix commented that if she chooses to have sex and is willing to take on the responsibilities involved, it should be her responsibility to get an abortion. Informing a parent of pregnancy may cause even more problems in the family.

Randi Hood stated she is an attorney as well as a public defender. She has represented children who are the subject of dependent and neglect cases in this county. She handles approximately 90% of the cases in youth court in this county. She opposes this bill because over the course of the years she has yet to see that a law which could be created to enforce understanding and good relationship between a parent and child. She commented on two provisions of the judicial waiver. It is inappropriate to place this in youth court as structured in Montana. The youth court deals solely with youths who come under the Youth Court Act. That would be youths in need of supervision and delinquent youths who are alleged to be in violation of the

those teens who didn't want to tell her parents for fear she would disappoint them.

Vivian Brooke, Member of Catholics for Free Choice, presented her written testimony, EXHIBIT 15. CFFC is not sanctioned by the official church; however, they have never asked for the Bishop's blessing. She proposed an amendment on page 3, Section 7, line 19, after "abortion" add "or carry a pregnancy to term". No person should be coerced to carry a pregnancy to term.

Deborah Frandsen, Executive Director of Planned Parenthood, presented her written testimony, EXHIBIT 16. She is not discounting that abortion is surgery. For a teenager, a first trimester abortion is 14 times safer than delivering a baby.

Scott Crichton, Executive Director of the American Civil Liberties Union of Montana, presented his written testimony, EXHIBIT 17.

Kate Cholewa, Womens Lobby, stated they have two major concerns with the bill. The first is the safety of young women. The second is assuring young women's reproductive rights. They are concerned about the safety of the minority of those minors who feel unable to reveal their decision to a parent. They fear that young girls may endanger their lives by taking such actions as crossing state lines; sleeping in cars for 48 hours until the abortion is over and then go home and face the parents who had been notified; staying away from home for a time after the abortion waiting for the dust to settle; or, at worst, attempting to terminate the pregnancy on her own by dangerous means. Is passing this law worth one young woman's life in this state? They agree with the bill's statement that no parent shall coerce their daughter into having an abortion. No woman should be coerced into any reproductive option. These young women need to be protected from being coerced to carry out a pregnancy they wish to terminate. The worst logic in this bill is the belief that the government, with a law, can intrude into the private lives of families and legislate good family communication. Good communication is earned by love, respect, and hard work. This law is an insult to those families who have earned it.

Jan Van Riper, ACLU, addressed the constitutional questions raised by the language in this proposed legislation. There is a federally recognized constitutional protection which goes to minors in the abortion area. There is no federally constitutionally protected right to attend a rodeo, engage in parimutuel betting, take an aspirin at school, etc. It is her understanding that this legislation is patterned after the Ohio legislation. This was challenged in the United States Supreme Court and was found to be constitutional. In that particular challenge, the U.S. Supreme Court acknowledged that that was a facial challenge to the legislation and left the door wide open to any challenges to that legislation as applied even in the state of Ohio. There is a very central question about applying

law. This kind of civil procedure is inappropriate in the Youth Court Act. The district court handles family law. Availability of judges is a problem. In multi-judge judicial districts, one of the judges is appointed as the Youth Court Judge. If the judicial district has more than one county in it, he usually travels to the other counties on a fairly irregular basis to handle youth court matters. A 48 hour time frame will not work in counties in which the judge only shows up once a week. She did not see venue established in the bill. The venue provision in the Youth Court Act are structured according to the classification of the youth. Venue should be in any county of the state.

Informational Testimony: None

Questions From Committee Members and Responses:

SENATOR HOLDEN, referring to the comment that abortion is less risky than childbirth, asked Ms. Frazer if she was stating that abortion is preferable to childbirth?

Ms. Frazer stated she would not suggest that someone make that decision solely on a medical basis. It should be clear that medically there is less complications from abortions than there are from childbirth.

SENATOR LINDA NELSON asked what a pregnant 16 year old would have to do to receive judicial bypass.

REPRESENTATIVE GRIMES stated the youth court judges are just as available as the district court judges. Inserting youth court into this bill was a recommendation of Mr. Petesch because this would make it more available to the young woman. In other states, the young lady would go to an abortion clinic and fill out some forms. Those forms and/or the young lady would be taken to a judge who would approve the abortion if that were found to be the case. If a judge determined that wasn't the case, the petition would be denied.

SENATOR NELSON stated that in her area the district judge would not always be accessible. She asked if the teenager was to call for an appointment with the district judge? Would she walk up to the third floor of the courthouse where the county attorney is and make an appointment, which would be like wearing a red flag?

REPRESENTATIVE GRIMES stated that he had a letter from a young woman who went to her physician who, in turn, advised her that she should notify one or the other parent. They did and the parent and physician together decided that she would continue with the procedure. She went to a nearby city. The physician would help them through that procedure. The abortion clinic would provide them with the necessary forms to be able to accomplish that from a rural area in Montana.

SENATOR NELSON felt that most teenagers are not sophisticated enough to know how to petition a court. This is a cumbersome process.

REPRESENTATIVE GRIMES stated that South Dakota law does not have a bypass in it. He believes that the abortion procedure is very confusing to them as well.

SENATOR NELSON stated she did not understand the guardian ad litem provision.

REPRESENTATIVE GRIMES stated that guardian could be anyone the court would determine. It could be a counselor or someone the young lady knows.

SENATOR STEVE DOHERTY stated that it had been indicated that adopting this bill would help provide additional information about a procedure which may be confusing to the woman who is attempting to obtain the abortion. Given that the bill on informed consent has passed the Senate, haven't we already taken that confusion away?

REPRESENTATIVE GRIMES stated that that information he was talking about would be in reference to the bypass.

SENATOR DOHERTY asked if he would have an objection to an amendment to Section 8 which would state that in addition to providing that patient names and other identifying information may not be used on the forms, there would also be a provision for confidentiality for the providers. We have seen violence at the providers clinics in Montana and other places.

REPRESENTATIVE GRIMES stated he would not want this bill to endanger medical care providers in the state. He does not believe that it does because of the confidentiality we currently are under. He understands that on a previous bill the community which provides these services wanted to advertise.

SENATOR DOHERTY, referring to Section 10, stated that the way he read the section, if a provider did not provide notice that would be malpractice. The language referring to "malice" would open them up to punitive damages. He asked the sponsor if it was his intent that medical providers who do not perform a specific governmentally prescribed standard, be liable for punitive damages.

REPRESENTATIVE GRIMES stated the model's only purpose would be to provide for an enforcement mechanism for the notification procedure to protect parents so that parents could be assured that one or the other of them would be notified in case of a major medical procedure on their daughter. He stated that it never occurred to him that not complying with that requirement would lead to malpractice.

Ms. Van Riper stated they cannot guess the courts, but she would see it as malpractice.

Mr. Whalen stated the sole damage section of the bill is clearly designed to allow a medical malpractice action in the event that a parent is not notified. There would have to be some damages that would flow by virtue of the fact of that notification not being given. If the parental notice is not given and the woman does not suffer any harm, there would not be a case. With respect to punitive damages, although that is referenced in the bill, the criteria which would have to be met before a claim rises to the level in which punitive damages would be appropriate are contained in Title 27 wherein actual malice is defined. If the necessary elements are present in a claim, punitive damages ought to be available to the individuals.

SENATOR DOHERTY stated that Section 10 states that failure to provide is presumed to be actual malice. Actual malice is a tough thing to prove, but this gives a presumption to it.

Mr. Whalen stated the presumption is created and it is a rebuttable presumption that the abortion provider can certainly attempt to overcome.

SENATOR BARTLETT asked why only the physician could be the one to notify the parents.

REPRESENTATIVE GRIMES stated that is because they are the ones being held accountable. With the exception of Section 6 where they can waive those notices, it needs to be the physician. The physician will be held accountable as to whether or not that notice was actually or constructively given.

SENATOR BARTLETT asked if an agent of the physician could provide notice.

REPRESENTATIVE GRIMES stated he would not have a problem with a physician delegating that responsibility. They will be held responsible so they will have to ensure that it has been done.

SENATOR BARTLETT stated she was interested in the definition of coercion which currently relates to forced, threat of force or deprivation of food and shelter. It does not address exclusively verbal or mental abuse which may be as damaging.

REPRESENTATIVE GRIMES stated the definition for coercion applies to Section 7. This is separate from the bypass issue. His only concern would be with the legality although he is not opposed conceptionally to her request. Section 7 refers to a male whose best interest might be served by coercing someone to have an abortion. This legislation is based on Ohio statute. However, it is also reflective of some of the best language in the 25 states which have this same law.

Closing by Sponsor:

REPRESENTATIVE GRIMES emphasized that this bill is for the parents. It will recognize the traditional rights of parents to direct the rearing of their minor children. He has heard of instances all across the state of parents who were not informed about their daughter's abortion. This is not consent, it is a notification issue. The judicial bypass is very broad. He doesn't think the Department of Health is prevented to record this by number. The opponents commented that the percentage of third trimester abortions went up in states where this law was enacted. He stated the reason that is the case is because so many of the first and second trimester abortions dropped as a result of this legislation. In the two states where the most exhaustive research has been done on this, Minnesota and Missouri, the pregnancy rate for teens, age 10 through 17, fell 20.5% after the introduction of this bill. The abortion rate fell 27.4%. The birthrate notice fell by a greater percentage 12.5% after the law. Teenagers know what the law is. This law has an impact. That is why the statistic went up. The notification is accomplished by having the young lady go to a clinic for the abortion and they would have forms available. The costs will be borne by the state. He does not think the bill will cause any unnecessary delays. He also does not think that there are any medical risks. He agrees that it is not the government's business to be involved in these issues. It is not the government's business to say that our offspring can have a major medical procedure performed on them without at least one parent knowing. If there were any clear and convincing evidence that this doesn't work, there would be a lot more statistics to prove why it wasn't working. In South Dakota this law was passed a year ago. At the hearing, a parent explained the situation wherein they found out that their daughter was on her way to have an abortion. They were concerned because the daughter had a medical condition which was critical. They found the abortion clinic and for 40 minutes they tried to find out if their daughter was there. Finally, the father saw his daughter's name on a list at the desk. He told them to let the physician know the medical condition of his daughter. A note came back from the physician that he didn't need it. He went back and found his daughter crying. The daughter left with her father. He did not necessarily want to stop the procedure, he was concerned for his daughters safety.

Additional exhibit, Statement from SENATOR STEVE DOHERTY, EXHIBIT 19.

HEARING ON HB 315Opening Statement by Sponsor:

REPRESENTATIVE DAN HARRINGTON, House District 38, Butte, presented HB 315. This bill provides that a volunteer fire company or department and its employees would not be liable for

MONTANA RIGHT TO LIFE TESTIMONY ON HOUSE BILL 482 BEFORE THE
SENATE JUDICIARY COMMITTEE FEBRUARY 16, 1995

Mr. Chairman, members of the committee:

For the record, my name is Tim Whalen, representing the Montana Right To Life association. Montana Right to Life is a state affiliate of the National Right To Life Committee, the oldest and largest organization of its kind in the United States. The Montana Right To Life Association wishes to go on record in support of Representative Grimes' Parental Notification bill, House Bill 482.

In 1974 the legislature passed the Montana Abortion Control Act which contains a provision requiring one parent parental notification by a minor seeking an abortion. That statute was successfully challenged in court and has never been enforced in this state. The basis for the challenge was that it did not contain a "judicial bypass" provision which was then required by courts of paramount jurisdiction before enforcement could be allowed.

House Bill 482 supplies a judicial bypass provision providing an escape from the notification requirement when there is a medical emergency or when the youth court finds that the minor is mature enough to make her own decision, or is subject to a pattern of physical, emotional, or sexual abuse which could be triggered by the notification, or is otherwise in the best interests of the minor.

The public policy is served by requiring at least one parent notice in the case of a minor seeking an abortion because of the medical risks associated with the procedure. Because, the medical, emotional, and psychological consequences associated with abortion are sometimes serious and long lasting, particularly when the patient is immature, the involvement of at least one parent in the abortion decision making process will promote a more considered decision on the part of the minor.

For example, parents ordinarily possess information essential to a physician in the exercise of the physician's best medical judgement concerning the minor with respect to the abortion or childbirth decision. In addition, parents who are aware that their minor daughter has had an abortion may better ensure that their daughter receives adequate medical care after the abortion. This is particularly important in view of the fact that some of the physical complications resulting from abortion include infection, excessive bleeding, embolism, ripping or perforating of the uterus, anesthesia complications, convulsions, hemorrhage, cervical injury,

and endotoxic shock. Psychological problems such as depression are also common abortion sequelae. Alcohol, drug abuse, broken relationships and sexual disfunction often follow the depression and low self esteem commonly associated with the abortion decision. The fact of high suicide rates among aborted women is well known among professionals who counsel suicidal persons. According to one study, (Saltenger, Every Woman, 132. Also, Greenglass, "Therapeutic Abortion and Psychiatric Disturbance in Canadian Women," 21 Can. Psychiatric A.J. 45 (1976)) women who have had abortions are nine times more likely to attempt suicide than women in the general population.

In short, this bill is about protecting the lives, health and well being of minor teenage girls by insuring the involvement of parents in appropriate cases prior to making this irrevocable and life affecting decision.

I anticipate that the opponents of this bill will attempt to raise legal questions as to the appropriateness or enforceability of parental involvement statutes in this bill in particular. As many of you know, I am a lawyer by trade and will make myself available during the question and answer period of this hearing to answer any questions you may have with respect to this bill including those that may pertain to any legal questions raised during the course of this hearing.

In closing, Montana Right To Life Association urges the committee to give House Bill 482 a Do Pass recommendation.

Tim Whalen

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 3/16/95
FILE NO. HR 482

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

T H R E E

The Physical Risks of Abortion

Abortion is a surgical procedure in which a woman's body is forcibly entered and her pregnancy is forcibly "terminated." Because it is intrusive, and because it disrupts a natural process (pregnancy), abortion poses both short-term and long-term risks to the health and well-being of the aborted woman. Abortion is never without risks.

A few abortion advocates continue to insist that abortion is so safe as to be virtually "risk free," but such claims are exaggerations resulting from some blind belief in the slogans and clichés fostered by the early abortion reformers.¹ In contrast to these few abortion zealots, most defenders of abortion, particularly those in the health fields, admit that there are inherent risks to abortion. Within the medical profession the intense debate is not over whether there are risks or not but over how often complications will occur. Some claim the risks are "acceptable," while others insist they are not.

Answering the question "How safe is abortion?" is crucial to any public policy on abortion; but it is even more crucial to the women facing the abortion decision. Unfortunately for hundreds of thousands of women, their "safe and easy" abortions proved to be neither safe nor easy. Even more outrageous is the fact that almost none of these women were given a realistic assessment of the risks of abortion.

SUMMARY OF THE PROVISIONS OF HB 482

1. LEGISLATIVE FINDINGS

Support the reasons the legislation is necessary and were supported by the testimony in committee.

2. DEFINITIONS

Self explanatory.

3. PARENTAL NOTICE

In the case of minors or incompetent persons actual notice to one parent or legal guardian at least 48 hours prior to the abortion.

4. ALTERNATE NOTICE

By certified mail if actual notice is not possible after reasonable effort.

5. EXCEPTIONS

- a) Medical emergency.
- b) Parent waives notice.
- c) Notice waived by court.

6. COERCION PROHIBITED

It is unlawful to coerce a woman to have an abortion. Public assistance benefits cannot be used to obtain a minor's abortion.

7. REPORTS

- a) Monthly report to the department of health.
- b) Report must indicate;
 - 1. Number of notices issued.
 - 2. Number of exemptions to notice made, by type.
- c) Patient names are confidential.

8. JUDICIAL WAIVER

- a) Confidential proceedings.
- b) Youth entitled to court appointed counsel.
- c) Youth entitled to court appointed legal guardian to represent their interest.
- d) Court must rule in 48 hours.
- e) Youth entitled to expedited appeal in the event a waiver is not granted.
- f) Reasons for granting waiver.
 - 1. Minor mature enough to make own decision.
 - 2. Minor subject to a pattern of physical sexual or emotional abuse.
 - 3. Best interest of minor.

9. CRIMINAL AND CIVIL PENALTIES

- a) Performing an abortion without giving notice (actual or alternative) or obtaining by-pass.
 - 1. A misdemeanor.
- b) Coercing a minor to have an abortion first offence.
 - 1. A misdemeanor (Maximum penalty, \$1,000.00 fine or one year in jail, or both).
 - 2. Second or subsequent conviction (Minimum \$500.00 fine and ten days in jail up to a maximum of \$50,000.00 and five years in jail or both).
(This penalty provision is patterned after the penalty provision in Montana's domestic abuse statute.)
- c) Improper person waiving notice (See exceptions, Section 6):
 - 1. A misdemeanor.
- d) Civil remedy.
 - 1. Compensatory damages for violation of failure to give notice.
 - 2. Punitive damages if actual malice involved.

10. MONTANA'S SELF-CONSENT WAIVER STATUTE IN THE EVENT OF EMERGENCIES IS AMENDED TO INCLUDE THE PROVISIONS OF THIS BILL.

March 16, 1995

My name is Kim Jones. Twenty one years ago this summer, when I was nineteen, I found myself pregnant and unmarried. I was told by Dr. Armstrong that my baby was nothing more than a mass of tissue. I had an abortion. My heart wants to protect the young women of our state from the unnecessary pain and anguish I have experienced these past 20 years. I am asking for your support of this 'parental notification' bill.

To share with you a small portion of my life that placed me in an abortion situation will most probably help you understand why this bill is so very important. I never learned that I was a special child, and that my body was mine. I never learned how to stand up for myself. I never learned how to say "NO". Passive sexual abuse was a part of my childhood. At a point in my teen years I was sexually abused. When this occurred, I went into shock and was totally helpless to defend myself. I told no one. It is not important now for me to go into the abuse any further. What is important is that it affected the rest of my life.

When I began my first year of college, I once again found myself vulnerable to a man. I came to expect this kind of treatment from men. That first college summer I found myself pregnant. My life crumbled before my eyes. I literally did not know what to do. After sharing the news with the baby's father, he told me he would find out the name of the doctor that performed abortions in Kalispell where I lived. At that time in my life abortion was a new term to me. He told me to go and I went. I was given no choice by the father. I was in shock over the whole situation.

I would now like to share with you some information found in the Minirth - Meier Clinic Series "Kids Who Carry Our Pain - breaking the cycle of codependency for the next generation" by Dr. Robert Hemfelt and Dr. Paul Warren. Dr. Hemfelt is a psychologist who specializes in the treatment of family problems. Dr. Warren is a behavioral pediatrician. He is a member of the American Board of Pediatrics and medical director of the Minirth-Meier Child and Adolescent Behavioral Medicine Unit at Westpark Medical Center in McKinney, Texas. From page 51 of this book, Dr. Warren states "When a child's boundaries are violated, or the child is prevented from completing a developmental task, abuse has occurred." Then on page 52 Dr. Warren states "If a developmental task that would naturally occur at, say thirteen is thrust upon the child at age seven or eight, that child is abused. The child is simply not ready for the experience or awareness that has been forced upon him or her. In short, any sexual contact or discussion that is not appropriate to the child's age and maturity is abuse. Continuing on page 53, "**abuse**" is **recurring behavior on the part of other, unattended to and uncorrected, which stunts the child's growth or damages the child's sense of identity. Any experience or absence of experience that delays, neglects, or reverses completion of experience or absence of experience that delays, neglects, or reverses completion of those identity-building tasks is abuse.** Finishing with this book on page 145, "the abuses do far more than hurt some tender feelings. As a child grows, he or she must complete certain developmental tasks. If these tasks fail to find completion, the rest of development suffers. Another way to describe this missing growth phase is "*lost childhood.*" *Quite literally, a part of childhood, almost always a necessary part, has been damaged or destroyed.*

Now why do I bring all this up? Physically I was nineteen at the time of my abortion.

Considered an adult at that age. Taking into consideration the information that I shared with you above you can now understand that I was not nineteen emotionally. I believe that my emotional growth was blocked because of the abuse during my childhood. I was immature for my age and extremely naive in the years that followed. In retrospect, looking back now as a healed adult, I realize the painful mistake I made in the decision to abort my baby. My immaturity and naivety stands before me as I look down the road of my life. My immaturity, my naivety took the life of my baby. Because of the healing I have received from my Lord and Savior Jesus Christ and through a Post Abortion Recovery class I know I have been forgiven and I have been able to forgive. Standing here before you is a milestone for me. We must protect our children.

Teenagers can be so very vulnerable, immature, irrational, and naive. They are searching and making decisions on who they are and who they want to be. They are easily influenced by their peers, constantly riding the roller coaster of hormones, searching for acceptance. Teenagers want to be responsible all of the time, some of the time, they really aren't sure. I have a teenager, believe me I know what I am talking about.

Teenagers need our help. They need our guidance. This is a most important part of our child rearing - to guide our children as they grow and mature. If and when a teen pregnancy occurs, and that is what we are talking about, I feel, because my emotional growth was held back, because of my immaturity, I can represent the teen. And, considering the time and years I have put into nurturing my children, I know I am the best person to provide the care my children need in the event of a crisis. I am the best person to care for my children because I have spent my life with them, helping them discover who they are and providing for their needs. I may not have all the answers all the time, but I do have love for my children, the kind of love that would search out the answers and provide the best possible information for them. The crisis an unwanted pregnancy puts a teen in is one of shock and confusion. It is so very important for the parents of a pregnant teen to be informed so they can step in and fill their roles as parent. The shock and confusion involved in an unwanted pregnancy is more than a teen is prepared to deal with. She needs the maturity of her parents to help her in making what could be one of the most important decisions of her life. She needs her parents for protection from the abortion industry.

My pregnancy left me vulnerable to Dr. Armstrong. I did not have the maturity to know what questions to ask. I did not have the maturity to even consider that there might have been other options. My boyfriend ruled over me looking out only for his best interest. My naivety caused me to trust Dr. Armstrong with the false information he gave me about my baby. Because of my immaturity, and the state of shock I was in, I didn't even consider long or short term consequences. I was told what to do and I did it. Teenagers need counsel from their parents. The parental notification bill, HB 482, will provide an escape back to their parents for the help they need.

I would now like to address the consequences of a teenager having an abortion without a parent's notification. What if there are complications in the procedure? Now it's okay to tell the parents when their child's life is at risk? Now they get to pick up the pieces? And what about the psychological affects of the abortion? The psychological affects will weigh heavily on the teen as she later realized what she had done. There is no escaping the truth. The psychological affects of her abortion will weigh heavily on her family as well. Speaking from experience, as

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the truth comes out the wight of her shame and guilt will affect the rest of her life. Chemical dependency is a very real possibility. Self worth will be questioned. Promiscuity because of loss of self worth is very likely. Of course that introduces the possibility of further pregnancies and lets not forget the real possibility of being infected with any one of many STD's (sexually transmitted disease). This not only takes a toll on the family but becomes a burden for society as well. Suppose she later marries. This burden will be carried into her marriage and picked up by any future children she might have, if she can have children. It is pain, incredible pain and anguish from the guilt and shame of destroying your baby. Society as a whole will always be affected.

Giving parents the opportunity to counsel the child they love offers teens a chance at a full and happy life. It will spare society and this nation much burden. The parents that raised and nurtured their child deserve to be involved in any life threatening position their child may be in. We need to be allowed to be the parents of our children. Passing HB 482 will allow parents to continue to do the parenting they were created for and provides the pregnant teen an escape back to their parents, which they need so badly in their state of shock and confusion. Please I urge you to pass this bill so that health and well being of the family and of this nation will be protected. Thank you very much.

Kim Jones
2/10/95
862-6803

EXHIBIT NO. 1
DATE 3/16/95
FILE NO. HB482

Ladies & Gentlemen:

My name is Cindy DeLay. I'm a 34 yr. old mother of two. In early August of 1977, only four years after it's legalization, I had an abortion. I was only 16 yrs. old.

I was able to obtain an abortion without my parents' ~~knowledge~~ consent; I didn't even have to lie about my age.

I had gone into a clinic someone told me about to obtain a "free" pregnancy test. After confirming my fears, I was taken to a "counselor" who informed me that the procedure would only take about 10 minutes, and I'd be given a mild sedative to help relieve my anxiety & lessen the cramping. No-one even ASKED if I wanted an abortion; I wasn't counseled on ANY options. They had taken my MEDICAID # upon arrival, so no cost was ever discussed. I found out later that it was strictly an abortion clinic.

I was escorted into a room, given 10mg. of Valium, told to undress from the waist down, and handed some magazines to read. A nurse would come by & check on me every few minutes to see if the medication was taking affect, and I could hear crying coming from other rooms. I was scared. "This isn't supposed to hurt." I thought.

After the medication began to make me drowsy, I was laid on the table as if for a PAP smear & the Dr. came in. He told me that "...the removal of the contents of your uterus will cause some mild cramping, and a small amount of bleeding, but it's normal." Then he told me to relax, and a machine covered in white towels was turned on. I got really scared, and began to shake. I shook so violently that the nurse holding my hand had to steady my legs. I cried-from both fear & pain. These were the worst "cramps" I'd ever had. I was glad that it only took about 10 minutes, as the intake counselor had said. When he was finished, the Dr. stood up and said "You'll be fine now. Leave that absorbant packing in for at least two days, unless it starts leaking fluid. It will catch any excess uterine discharge." He left & I got dressed. I left the clinic about an hour & a half after I'd arrived for a "free" tes

The following evening, I began running a fever & vomiting. It was about 30 hrs. after the abortion. The "packing" had begun to leak. My mom didn't know until then that I'd had an abortion; but she stood by me & called our family physician & told him my symptoms. He told her to have me remove the packing immediatly, and to watch my temp. "Bring her in in the morning if her fever & pain persists

By morning, my fever & pain were worse. We went to see the Dr. He examined me & found an infection had set in. He placed me on a strong antibiotic for 2 weeks, and gave me something for pain to ge me through the next few days.

I still can't believe that I didn't need my mother's consent to obtain the abortion, and yet the pediatrician whom I'd seen for nearly ten years wouldn't see me without her knowledge.

I support the "Parental Notice of Abortion Act" because even though my mother DID stand by me, she would NEVER have given her ~~permission~~ for me to get an abortion. And I wouldn't still be wondering "What would that child have been like?"

Thank You,
Cindy A. DeLay

Box 2032 COLFLS MT
862-4380

Mr. Chairman and members of the Committee

My name is Tammie Peterson

16 years ago last month I had an abortion

3 months before my high school graduation I found myself pregnant

I was a senior, about to become independent, and on my own. I could handle this crisis and take care of it myself. I could vote, was 18 years old, and in my mind as old as I was ever going to get. I knew more than my parents, I could hide this from them, I would not tell; it would all pass by quickly.

Six months later I had a job making top dollar. College would have to wait. I moved out of my parents' home, to live with a man but not through the benefit of marriage.

I paid taxes, was a good citizen, and still the girl who pretty much turned out ok.

Five years later I had spiraled downward. I was not able to see myself with any self esteem. Nor could I believe anyone else saw any value in me. I had kept the secret of the abortion from everyone, everyone that is, except myself.

I could not deny the full truth of my abortion any longer. Although I started to shed the morals and values of my Christian upbringing by moving in with a man, I tried to ease my conscience by marrying him. But I still had to live with my past decision.

I crossed lines and boundaries I believed I would never cross, until ultimately I had committed adultery on three different occasions. My life now represented everything I thought I would

never be. Emotionally, I was bitter, angry, and had no self-worth. What happened to me is consistent with a study done by the Elliott Institute for Social Science Research of Springfield, Ill. Of 260 women surveyed over a 10 & 1/2 year study 28% of those who regretted the abortion attempted suicide -- with more than 1/2 making subsequent attempts. Thirty-six (36%) percent engaged in self destructive behavior and 20% reported nervous breakdowns. By grace, when I hit this bottom, my family and friends, whom I was sure wouldn't understand my unplanned pregnancy, picked me up from this rock bottom and loved me, forgave me, and showed me the way to real healing and a new sense of value.

I can't go back and change the past. I hate my past and would not wish it upon even my enemy, let alone my own children. I live with regrets from a hasty decision that still impacts my life. My past no longer torments me but I have a burden for my children, beloved relatives, and strangers who come to me with an unplanned pregnancy.

I hope to spare my children the horrors of post-abortion syndrome and the decaying life it leaves women in.

I thought since I was old enough to vote, I was old enough to make wise decisions. At 35 I now know my parents had the wisdom I lacked. I would have acquired the wisdom I needed through them, instead of experiencing abortion and its demoralizing after-effects. They would have been disappointed, angry, hurt, and fearful, as they knew the difficulties I would face being an eighteen year old with a child.

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I now know the difficulties of raising a child. They are a joyful struggle of stress, worry and fear, all wrapped up in love. I want only the best for my children. The struggles my parents knew I faced are now considered by me to be a great opportunity considering the alternative horror of the emotional and physical abuse I put upon myself and my family. I would much rather be struggling with a 16 year old teenager now than with the burden of my past decision.

You see, the abortionists and those who support abortion will not be there as you watch the one you love self-destructing right before your very eyes and you are helpless to find a way of escape for them.

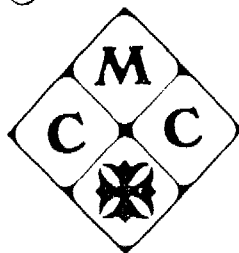
In many post-abortion women, guilt can still be as strong five and ten years later as it was the day they walked out of the abortion clinic.

Notifying parents of their child's intent to abort a baby gives us an opportunity to show our children we do love them in the midst of their crisis. Yes, expressing our emotions that may seem negative at the time are normal and to be expected. Yet, we will support them and give them the wisdom of a healthier choice for the rest of their future.

I urge you to vote yes on House Bill 482. Allow Montana's parent's the right to be involved in this life-changing decision that their minor children may face.

Thankyou.

HB482



Montana Catholic Conference

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 9

DATE 3/16/95

FILE # HB 482

March 16, 1995

Mr. Chairman, members of the committee, I am Sharon Hoff, representing the Montana Catholic Conference. In this capacity, I act as liaison for Montana's two Roman Catholic Bishops on matters of public policy. The Montana Catholic Conference supports HB482.

Abortion poses serious physical health risks including infections, hemorrhage, ripping or perforation of the uterus, anesthesia complications, cervical injury, and death.¹ Teenagers 17 years of age or younger are two-and-a-half times more likely than women ages 20-29 to acquire endometritis following abortion.² The adolescent is entitled to parental help in order to fully understand and to weigh carefully her specific risks of incurring physical injury from abortion. Because a minor is often too immature to make fully informed decisions, parental involvement is imperative to ensure that she receives the benefit of appropriate counsel from those who best know her physical, emotional, familial, and psychological background--her parents.

Opponents of parental involvement legislation claim that adolescents are generally as competent as adults to make the decision to have an abortion.³ But substantial evidence from both clinical and laboratory studies of actual decision-making in pregnancy demonstrate that adolescents and adults differ significantly in the ways they actually make decisions and in the quality of their decision-making. Adolescents are more likely to see their pregnancy decision as "externally compelled."⁴ Even opponents of parental involvement legislation admit that there is cause for concern about impulsive decisions by the teen who is still ambivalent: "Issues that go unresolved before the abortion may then create more difficulties afterward."⁵

To deny the teenager input from her parents, those who generally assist her in other major decisions in her life, can be emotionally and psychologically traumatizing. She will feel pressure to consider her parents views whether or not she consults them.⁶

¹ Willard Cates, Jr., M.D., M.P.H., Kenneth F. Schulz, M.B.A., and David A. Grimes, M.D., "The Risks Associated with Teenage Abortion," The New England Journal of Medicine, vol. 309, no. 11, September 15, 1983: pp. 621-624.

² Burkman et al., "Morbidity Risk Among Young Adolescents Undergoing Elective Abortion," Contraception, vol. 30 (1984): pp. 99-105. This Johns Hopkins study also reports that cervical laceration has been shown to be about twice as common among women aged 17 years or less compared to older women.

³ ACLU Reproductive Freedom Project, "Parental Notice Laws," (1986): p. 5.

⁴ Catherine C. Lewis, Ph.D., "A Comparison of Minors' and Adults' Pregnancy Decisions," American Journal of Orthopsychiatry, vol. 50, no. 3 (July 1980): p. 449.

⁵ Nancy Adler and Peggy Dolcini, "Psychological Issues in Abortion for Adolescents," Adolescent Abortion, ed. Gary B. Melton (Lincoln, NB: University of Nebraska Press, 1986) p. 85.

⁶ Everett L. Worthington et al., "The Benefits of Legislation Requiring Parental Involvement Prior to Adolescent Abortion," American Psychologist (December 1989): p. 1543.

A secret abortion, without disclosure for discussion, creates a psychological burden for the pregnant teenager and a barrier to her future relationship with those people in her life who are most significant to her.⁷

Opponents of parental involvement legislation make the claim that required parental involvement can be devastating to the family and to a girl's psychological development.⁸ Experts in psychiatry and psychology have concluded that the contrary is true. To the extent an adolescent does not share feelings surrounding an unexpected pregnancy with her parents, she may become more isolated and alienated.⁹ Without the benefit of parental involvement legislation, the girl will most likely either keep her pregnancy and abortion forever a secret from her parents, which can cause guilt and anxiety that her parents might somehow discover the secret, or tell her parents that not only did she become pregnant but also that she made an important life decision without notifying them.¹⁰ Parental involvement legislation provides the opportunity for the teenage girl to share the problem with her parents immediately, thereby reducing the emotional and psychological risks associated with keeping the pregnancy secret.

The inability to deal with a dilemma or an inadequate understanding of the nature of her situation and its causes can considerably impair future coping abilities of the pregnant teenager. An adolescent may retreat into sexual activity or drug or alcohol abuse to escape pain and, if these immature defenses do not ease her conflict, she may be more likely to experience adverse psychological effects after the abortion.¹¹ Immature coping mechanisms typical of adolescence such as the projection, denial, or "acting out" of conflicts can become permanent defenses.¹²

Parental involvement legislation acknowledges the agonizing pain that accompanies an adolescent's unexpected pregnancy and helps to provide her with the support she deserves from those who have her best interests at heart--her parents. We urge a do pass for HB482. Thank you.

⁷ Vincent M. Rue, "Abortion in Relationship Context," Int'l. Rev. of Nat. Fam. Plann. (Summer 1985): p.97.

⁸ ACLU Reproductive Freedom Project, "Parental Notice Laws", 1986: p. 8.

⁹ Rue, "Abortion in Relationship Context," p. 97.

¹⁰ Worthington et al., "The Benefits of Legislation," p. 1543.

¹¹ Nancy B. Campbell, Kathleen Franco, and Stephen Jurs, "Abortion in Adolescence," Adolescence, vol. 23, no. 92 (Winter 1988): p. 821. This comparison of women who had abortions in their teenage years whose abortions occurred after age 20 reveals that the adolescent group had significantly higher scores on the following scales: antisocial traits paranoia, drug abuse, and psychotic delusions.

¹² *Ibid*

HB 482 / Arlette Randash
Senate Judiciary / Parental Notification

The state of Montana has seen fit to make many distinctions between minors and those who have reached majority, (18) and have built many safeguards into the law to protect them. When I researched this issue I found many inconsistencies in the law when contrasted with the fact that a minor can receive an abortion without parental *consent or notification*, and thus without the protections inherent from the oversight of a caring parent or guardian. HB 482 calls for parental notification with a judicial bypass for extenuating circumstances. Here are the inconsistencies I found. (Please note I am not a lawyer and if I have made errors they were not made intentionally.)

45-5-622 Endangering the welfare of children

(2) A parent or guardian or any person who is 18 years of age or older, whether or not he is supervising the welfare of the child, commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a child less than

(a) 18 years old by:

- (i) supplying or encouraging the use of an intoxicating substance by the child; or
- (ii) assisting, promoting, or encouraging the child to enter a place of prostitution,

(b) 16 year olds by:

- (i) abandon his place of residence without consent of his parents, or guardian,
- (ii) engage in sexual conduct

The penalties for the above offense are the same as what is provided for in HB 482 in Section 10. However, there is considerable difference in offering a minor an intoxicating substance and doing an invasive surgery like abortion.

45-5-623 Unlawful transactions with children

(a) sells or gives explosives to a child under the age of majority.

(d) a junk dealer, pawnbrokers, or second hand dealer receives or purchases goods from a child without authorization of the parent or guardian.

The gravity of buying junk from a minor hardly is on equal footing to doing an abortion on a minor.

16-6-305 Alcoholic beverages

(1) b. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

16-6-305 A person is guilty of misdemeanor who: (a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person.

Again, inviting a person into a place that sells alcohol hardly is equal to doing an abortion on a minor. Interestingly though, substantial amounts of federal dollars were at risk over the legal age of alcohol consumption. Our Montana's minor women not worth as much?

40-6-234 When parental authority ceases

The authority of the parent ceases:

- (1) upon the appointment by a court, of a guardian of the person of a child;
- (2) upon the marriage of a child; or
- (3) upon its attaining majority.

Isn't it inconsistent that when an abortion for a minor is involved the appointment by a court is waived without judicial means and a total stranger is allowed to do invasive surgery on a minor?

40-4-212 Best interest of a child

(1) The court shall determine custody in accordance with the best interest of the child.

The court shall consider all relevant factors, including but not limited to:

- (a) the wishes of the child's parents or parents as to his custody;
- (b) the wishes of the child as to his custodian
- (c) The interaction and interrelationships of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's's best interest;
- (d) the child's adjustment to his home, school, and community;
- (e) the mental and physical health of all individuals involved;.....etc.

It is inconsistent that a child is given such caring consideration in a custody situation but in an abortion decision is afforded none of these protections.....parental notification (*and notice this is notification, not consent*) would begin to permit parental involvement, the interaction of other members of the family, consideration for the child's adjustment in her school and mental and physical health. HB 482 would provide consistency for minors in traumatic situations.

28-2-201 Who may contract

All persons are capable of contracting except minor, persons of unsound mind, and persons deprived of civil rights.

Isn't an abortion grave enough, especially when considered by a minor, to be treated with equal consideration to entering into a contract?

33-15-103 Power to contract - purchase of insurance by minors

(2) Any minor of the age of 15 years or more.....may purchase annuities and insurance.

The state has recognized that a 15 year old may purchase insurance, however, the state in 1993 permitted 20 children younger than 15 to contract for the invasive procedure of abortion without guaranteed oversight of a parent or guardian. For minors this young because of the undeveloped nature of their cervix they are at particular risk for miscarriages

in the future and a study released in November by the Fred Hutchinson Cancer Research Center in Seattle showed that the risk of developing breast cancer before the age of 45 went up 800 percent in women who had an abortion before the age of 18 and if the abortion was conducted after the eight week of pregnancy. It is difficult because of the way Montana's statistics are gathered but it appears we had approximately 298 women at risk in that category.

41-1-303 The state does permit minors to borrow money for education

41-1-402 Consent of minors for health services

- (a) a minor who is or was married, or emancipated,
- (b) a minor separated from his parents, or legal guardian and supporting himself,
- (c) minor who professes or is found to be pregnant,
- (d) a minor needing emergency care.

However, in 41-1-405 (4) it reads "Self consent of minors shall not apply to sterilization or abortion." Obviously this isn't enforced but it must have been the original intent of the legislature.

41-2-105 Employment of minors

except as provided in 41-2-104, a minor who is under 14 years of age may not be employed in or in connection with an occupation.

Numerous safeguards are in code concerning the employment of minors: 41-2-106, 41-2-107, 41-2-108, 41-2-109, 41-2-110, 41-2-115. In fact, penalties for violating these employment laws of minors have more penalties under 46-18-212 than under the Montana Abortion Control Act for not notifying a parent, (however, currently it is unenforceable) 50-20-107.

39-2-306 Employment of persons under 18 as bartenders prohibited

23-2-523 Motorboat operation prohibited under 15 years of age unless in possession

(ii) (b) of a valid Montana motor boat operators safety certificate oris accompanied by an adult.

(12) A person may not rent a motorboat rated at more than 10 HP to a person under 18

The state permitted 298 minors to abort by an abortionists whose primary service is the provision of abortion without the knowledge of their parents yet will not let minors be rented a motorboat!

23-3-404 Boxing

The state regulates the boxing of those under 16 by saying it must be monitored by an amateur boxing association. Yet the state permitted 158 minors to procure an abortion without the guaranteed knowledge of a parent or guardian.

40-1-213 Marriage licenses

The district court may order the clerk of the district court to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent capable of consenting to his marriage, or *has the consent of both parents*, or of his guardian. *The court must require both parties to participate in a period of marriage counseling involving at least 2 separate counseling sessions not less than 10 days apart.....as a condition to the marriage* (Italics are mine.)

The state has seen fit to regulate the marriage licensing of minors, even requiring counseling sessions not less than 10 days apart. Why should minors be afforded less protections when considering an abortion? 158 minors aborted at this age level or younger in 1993 in Montana.

50-37-103 Fireworks

It is unlawful for an individual under the age of 18 to possess for sale, sell, or offer for sale within the state permissible fireworks enumerated in 50-37-105.

Are fireworks in Montana on equal par to the life time consequences of abortion for a minor? If the state is recognizing the dangerous nature of fireworks shouldn't they consider the dangers inherent in such an invasive procedure as an abortion?

45-9-121 Intoxicating substances

We permit the youth court jurisdiction of any violation by a person under 18 who inhales or ingests: glue, fingernail polish, paint, paint thinner, petroleum products, aerosol propellants and chemical solvents.

Shouldn't parents have at least the same recognition of the role of authority they have in a minor child's life to be notified prior to the minor receiving an abortion?

23-4-301 Parimutuel betting

(5) It is unlawful.....to permit a minor to use the parimutuel system.

Gambling may separate a minor from her money but it is hardly as risky as an abortion, yet the states does not hesitate to protect the minor from the harmful effects of gambling.

45-8-20 Obscenity

We prohibit the sale of obscenity to anyone under 18.

Could the sale of obscenity to a minor be more harmful to a minor than the invasive procedures of an abortion on a minor without the love and guidance of a parent or guardian at a difficult and traumatic time in her life?

23-7-110 Sale of lottery tickets

We prohibit the sale of lottery tickets to those under 18

7-32-2302 Curfews

The state permits the establishment for minors to be abroad on public streets.

61-5-105 Drivers licenses

The state issues drivers licenses for someone under 16.....or 15 years if they have taken a drivers coarse or permits restricted licenses to 13 year olds.

The state permitted 8 minors to abort a child at 13 years or younger in 1993 without the guarantee that a parent was attempted to be notified.

13-1-111 Voting

No person is entitled to vote until 18.

It would be doubtful that anyone has anguished over a voting decision the way 298 minors may have anguished alone over an abortion decision because the state did not deem it significant enough to guarantee an attempt was made to notify a parent of that impending decision on the part of the minor.

27-1-733 Rodeo participation

A minor must provide written consent to participate in a rodeo if the non-profit sponsor wants to be free of liability. Consent to participate must be by 1 parent or guardian.

Notice that for a minor to participate in a rodeo the state has ruled by law that the parent must give consent, not just be notified!

In this session we are addressing a minors action concerning gambling in casinos, smoking before 18 years old, and being occupied as a caddy. None of which are on par in seriousness to aborting.

HB 482

David Tschida
224 Farview Dr.
Kalispell, MT 59901

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 11
DATE 3/16/95
FILE NO. 110

March 16, 1995

Re:
HB 482, Parental Notification
Proponent

The Honorable Bruce Crippen
Senate Judiciary Committee
Capitol Station
Helena, MT 59620

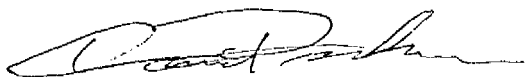
Dear Senator Crippen and Senate Judiciary Committee:

Bill HB 482 protects that God-given and fundamental right of all parents. Presently without it, our courts are at the liberty to interfere with parental authority.

It is a religious and moral obligation for any parent to be kept informed on serious matters such as pregnancy and abortion of their daughter. Some courts in recent times have robbed parents of that authority. Because of this, and with this bill, we need to protect family unity and prevent an erosion of the family that threatens the very foundation of society.

I plead you, protect that God-given right of parental authority; also, the child's safety, love and respect for their parents by passing this bill.

Sincerely,



David Tschida

Charles J. Lorentzen
418 4th St. East
Kalispell, MT 59901

EXHIBIT NO. 12
DATE 3/16/95
FILE NO. HB 482

The Honorable Bruce Crippen
Capital Station
Helena, MT 59620

Re: HB 482

March 14, 1995

Chairman Crippen and Members of the Senate Judiciary Committee,

Notification for school bus trips, why? Liability & money.

"	"	baseball	,	"	"	"
"	"	driving permits	,	"	"	"
"	"	aspirin tablets	,	"	"	"
"	"	passports	,	"	"	"
"	"	church picnics	,	"	"	"

Notification for ABORTION SURGERY, why? LIABILITY & MONEY.

This has to an elementary concept to deliberate. Who is called in the middle of tight spots to take care of bumps, bruises and bills? The parents of course. Have you volunteered recently to pay your neighbor's kids dental bill or ski lessons or car insurance? Who signs kids permission slips? Parents.

Now let's take abortion. In this peculiar case parents have total freedom from responsibility. Amazing. No information no consent forms, no notification, no liability- until...the sudden fever, the emergency room hemoraging, the perplexing change of behavior, the endless hours of regretting, pain and heart ache when realizing the unalterable. The deed is done. The cash up front man is gone. The abortionist is busy collecting cash for the next blob of tissue from the next terrified daughter without a permission slip. The quicker the better. What deception is this population control propaganda

What we should be doing is arming parents with facts, giving advanced notice of pending disaster and installing warning signs before the rough road ahead. We should require parental notification so every daughter's mom and dad can be there to help during this crisis time of decision.

A parental notification law was passed in Minnesota in 1981 with the result that by 1986 the pregnancy rate in women under 18 dropped from 22% to 20% and the abortion rate from 71% to 27% among 200,000 per year (see attached graph, page 2). This law was challenged in 1986, but it was upheld by the US Supreme Court in 1990. These positive results are encouraging to us in Montana and valuable as an indication of its benefit. It was stated in the House Judiciary Committee on February 14, 1995, that 2nd term abortion rate increased in Minnesota, but a study published in March 1991 "AMERICAN JOURNAL OF PUBLIC HEALTH" refutes the claim that the law caused more minors to obtain late abortions. In fact, the researchers conclude that the reverse is true: "For ages 15-17 the number of late abortions per 1000 women decreased following the enactment of the law. Therefore, an increased medical hazard due to a rising number of late abortions wasn't realized.(1)

The pro abortion proponents do not want parents notified. They want girls seperated from their famlies support, but

Page two

Information taken from video entitled PARENT'S RIGHTS
DENIED- Do Pregnant Teens Need Family Protection?

By American Portrait Films, Inc.

Box 19266

Cleveland, OH 44119

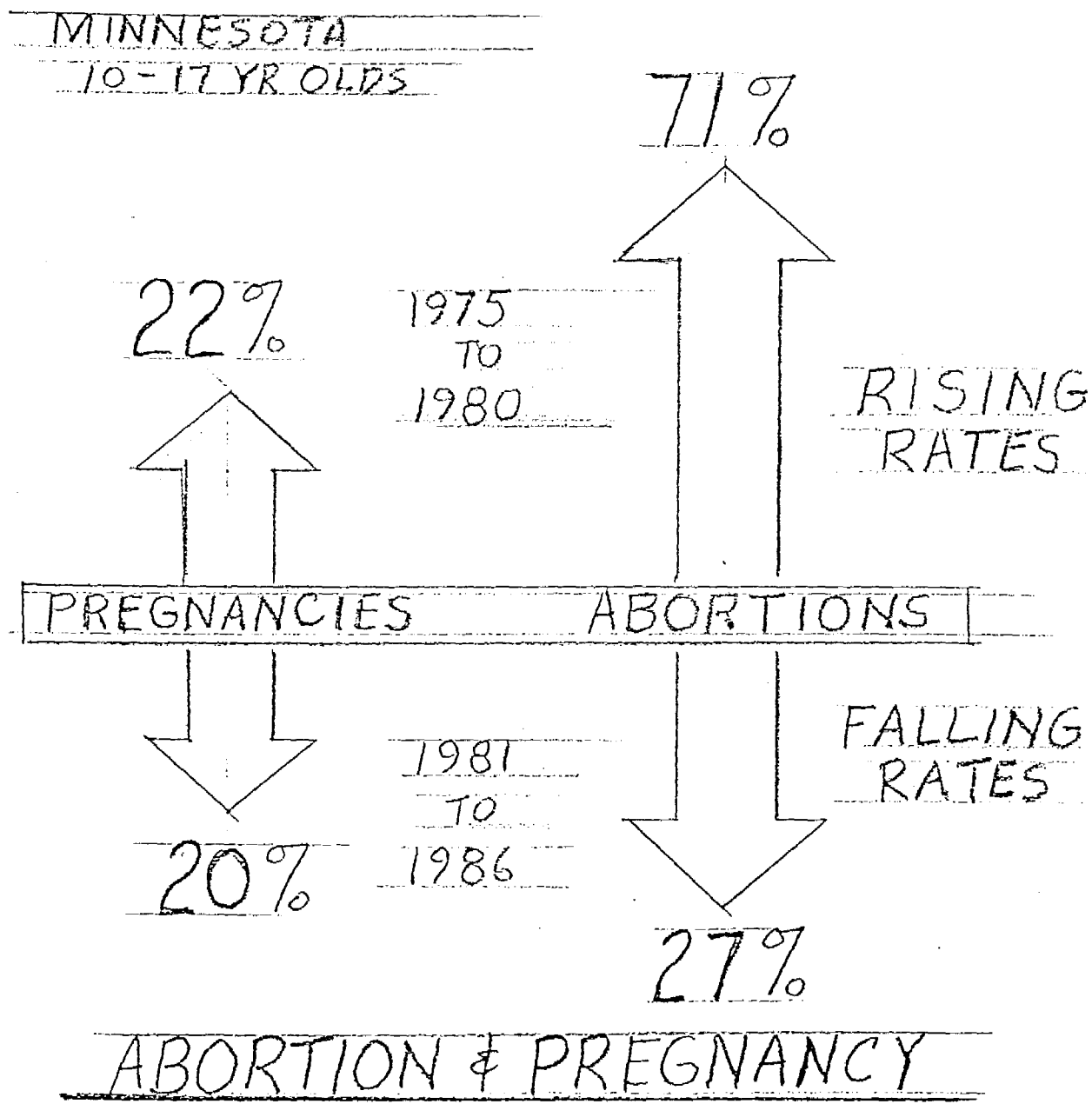
1-800-736-4567

Law introduced by Sen Gene Waldorf Dem Minnesota

sample 200,000 per year

Note: June 1990 N Y Times - CBS Pole: 76% Americans

Support Parental Notification



this is clearly wrong. We must not allow this to continue.

The lack of parental involvement has real consequences as the experience of Dawn Ravenell, a 13-year-old girl from Queens, New York, illustrates. Dawn died tragically in 1985 after undergoing a legal abortion. According to the abortion clinic records, she awoke from the anesthesia during the middle of the abortion and began gagging and choking before going into cardiac arrest. A plastic airway was inserted in her throat and she was again sedated. In the recovery room, after the abortion, she awoke, began gagging on the unremoved airway, and went into cardiac collapse. She was rushed to a New York hospital where she later died. In 1990, a jury awarded \$1.225 million dollars to her family. The Ravenell's said they persued the suit not for the money but for justice. "I wanted to be sure that another child would not suffer the way Dawn did," Mrs. Ravenell said.

New York has no parental involvement law so Dawn's parents were never told about their daughter's pregnancy or abortion. "It was a horrible situation," said her family attorney, Thomas Principe. "Here you have a frightened kid in what was really an abortion factory. She was treated like a piece on an assembly line."(2) Let's work to avoid this hapening in Montana.

Parental involvement protects not-yet mature adolescents because studies have shown that adolescents have not yet attained many basic decision-making skills. After studying the cognitive thinking abilities of adolescent girls, medical doctor and sociologist Godfrey Cobliner, Ph.D., concluded that adolescents "have not, as yet, fully reached the stage of what is known as operative thinking."(3) Adolescents have demonstrated deficiencies in certain aspects of decision making including imagining risks and future consequences, recognizing the need for independent professional opinions in certain situations, and recognizing the potential vested interests of professionals in providing certain information.(4) Parents are more capable of handling stressful situations than their adolescent daughters. Most of all, parents can supply their guiding love and support to their daughters amid the confusion of an sudden pregnancy.

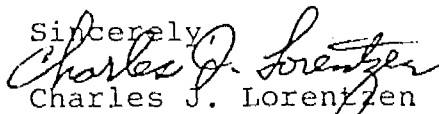
Parental involvement protects teenagers from physical injury. Abortion is a surgical procedure that carries serious risks including infections, hemorrhage, ripping or perforation of the uterus, anesthesia complications, cervical injury and death.(5) Teenagers 17 years of age or younger are two and a half times more likely than women ages 20-29 to acquire endometritis following abortion.(6) In addition, teenagers 17 years of age or younger have a greater risk of cervical injury during suction-curettage abortion(7). The adolescent is entitled to parental help in order to understand fully and to weigh carefully her specific risks of incurring physical injury from abortion. It is parents who best know her physical, emotional, familial, and psychological background. When a complication results from an abortion, a teenager whose parents are unaware of her abortion will often not seek medical help until she is critically ill.(8) This parental notification law would give warning at the first sign of complications.

Parental involvement protects teenagers from psychological harm by helping to ensure that the adolescent is counseled by those who have her best interests at heart. She will feel pressure to consider her parents views whether or not she consults them.(9) Vincent M. Rue, Ph.D., Co-Director of the Institute for Abortion Recovery and Research, has observed that often there is an unspoken wish on the part of the adolescent to face her parents with her ambivalence concerning the abortion and to draw on their support, even when it comes in the form of disagreement or conflict.(10) A secret abortion, without disclosure for discussion, creates a psychological burden for the pregnant teenager and a barrier to her future relationship with those people in her life who are most significant to her.(11) Increasing social deterioration and psychological conflicts have been observed in women with each additional abortion.(12) Adolescents who do not fully address the process of mourning after abortion have a greater chance of becoming pregnant again and repeating the cycle of pregnancy and abortion.(13) In one study on teenage abortion, 38% of teenagers followed through medical records over a 5 yr period were found to have had repeat abortions, and 18% had TWO abortions within the same year.(14)

Parental reaction to a teenage daughter's unexpected pregnancy initially is most often displeasure and disappointment in the same way as smoking cigarettes, drinking alcohol, or dating a person of whom they know their parents would object. After the initial reaction, from two-thirds to four-fifths of parents have been found to be ultimately supportive.(15) If given a chance, parents generally do what is best for their children. In a study partially funded by the National Institute on Aging of the U.S. Dept. of Health and Human Services, adolescents who informed their parents of their decision to have an abortion reported that their parents had a generally positive, supportive reaction. Few negative responses were reported.(16)

In Montana the statistics for abortions in 1992 totalled 2869 reported. Of these 729 were for teenagers, 19 yrs and under or 25.4%. Do you think at least 729 moms and dads each year should be denied our best efforts to notify them? Last month in three days on the 17th-19th I was able, with ease, to gather over 480 signatures on 28 pages supporting HB 482 Parental Notification. The most repeated comment I heard was, "Of course I agree with parents being notified." I can not recall one single person who refused to sign when asked. A copy of these pages are presented to the committee today.

I strongly urge you, all 480 of us strongly urge you, to vote to pass HB 482 Parental Notification. Thank you.

Sincerely,

Charles J. Lorenzen

(1) James L. Rogers et al., "Impact on the Minnesota Parental Notification Law on Abortion and Birth," AMERICAN JOURNAL

OF PUBLIC HEALTH, vol.81, no.3 (Mar 1991): p. 297.

(2) Herrmann, "\$1.225M awarded in girl's abortion death," NEW YORK DAILY NEWS, Tue., Dec 11, 1990, p.13. See also, Carillo, "\$1.2M won't bring her back," NEW YORK POST, Tue, Dec.11, 1990, p.1.

(3) W. Godfrey Cobliner, "Pregnancy in the Single Adolescent Girl: The Role of Cognitive Functions," JOURNAL OF YOUTH AND ADOLESCENCE, vol.3, no.1(1974): p. 25. Cobliner explains that operative thinking is the type of thinking that "transposes future situations into the present and transforms reality, so that the imagined future constantly mobilizes in us the needed resources for actively dealing with contingencies that lie far ahead which we conjure up in our minds." It is this type of thinking that in general is associated with greater adaptation of the individual.

(4) C.C. Lewis, "How Adolescents Approach Decision: Changes Over Grades Seven to Twelve and Policy Implications," CHILD DEVELOPMENT, vol.52(1981): pp.538-544. After an analysis of adolescents' (grades 7 to 12) responses to hypothetical decision making dilemmas relating to cosmetic surgery, volunteering for medical experimentation, and other content, the researchers conclude that even when the point of comparison is 12th graders rather than adults, 7th and 8th graders and 10th graders are less likely to consider fully the potentially risky consequences of medical decisions. Future implications of the hypothetical decisions were mentioned by less than one-half(42%) of 12th graders, 25% of 10th graders, and by only 11% of 7th & 8th.

(5) Willard Cates, Jr., M.D., M.P.H., Kenneth F. Schulz, M.B.A., and David A. Grimes, M.D., "The Risks Associated With Teenage Abortion," THE NEW ENGLAND JOURNAL OF MEDICINE, vol.309, no.11(Sept.15, 1983): pp.621-624. See also, Cates et al., "The Effect of Delay and Method of Choice On the Risk of Abortion Morbidity," FAMILY PLANNING PERSPECTIVES, vol 9, '77: p. 267.

(6) Burkman et al., "Morbidity Risk Among Young Adolescents Undergoing Elective Abortion," CONTRACEPTION, vol 30 (1984): pp.99-105. This John Hopkins study also reports that cervical laceration has been shown to be about twice as common among women aged 17 years or less compared to older women.

(7) Cates, Schultz, and Grimes, "Risks Associated With Teenage Abortion," p.622. Note: The Centers for Disease Control report that in 1987, the latest year for which data is available, 96.8% of all abortions were performed using the curettage (suction and sharp) procedure. Center for Disease Control, "Abortion Surveillance, 1986-87," (June 1990); p.54 at "Table 20. Number and percentage of reported legal abortions, by weeks gestation, procedure, age group, and race, 1987."

(8) Matthew J. Bulfin, M.D., "A New Problem in Adolescent Gynecology," Reprinted from the SOUTHERN MEDICAL JOURNAL, vol. 72, no.8 (Aug 1979): pp. 967-968, Copyright 1986. Dr. Bulfin observes that the teenager's parents "may be the last to know" about her abortion complication.

(9) Everett L. Worthington et al., "The Benefits of Legislation Requiring Parental Involvement Prior to Adolescent Abortion," AMERICAN PSYCHOLOGIST (Dec 1989): p. 1543.

(10) Vincent M. Rue, "Abortion in Relationship Context,

INT'L. REV. of NAT. FAM. PLANN. (Summer 1985): p.97.

(11) Rue, "Abortion in Relationship Context," p.97.

(12) Thomas W. Strahan, "Repeat Abortion Harmful to Adolescents," ASSOCIATION FOR INTERDISCIPLINARY RESEARCH NEWSLETTER, vol. 3, no. 3 (Fall 1990): p. 12. See generally, "Special Issue on Repeat Abortion," ASSOCIATION FOR INTERDISCIPLINARY RESEARCH NEWSLETTER, vol.2, no.3 (1989).

(13) Theodore Joyce, Ph.D., "The Social and Economic Correlates of Pregnancy Resolution Among Adolescents in New York City by Race and Ethnicity: A Multivariant Analysis," AMERICAN JOURNAL OF PUBLIC HEALTH, vol. 78, no.6 (June 1988): p. 629 at "Table 4-Adjusted Odds Ratios and 95% Confidence Intervals (CI) for Abortion from Logistic Regressions by Race and Ethnicity." This 1984 study of 31,207 pregnant teens reveals that those who had experienced one prior abortion were approximately four times more likely to have repeat abortions than those who had not had a previous abortion.

(14) Rena Brobrowsky, "Incidence of Repeat Abortion, Second Trimester Abortion, Contraception Use, and Illness Within a Teenage Population," (Thesis, USC, 1986), DISSERTATION ABSTRACTS INTERNATIONAL, vol. 49, no. 9 (Mar 1987): p. 3574A. A sample of 404 teenagers were followed through medical records over a five year period. These teens had an abortion at a leading hospital in Los Angeles.

(15) Frank G. Bolton, Jr., THE PREGNANT ADOLESCENT (Beverly Hills, Calif.: Sage Publications, 1980): pp. 114-115.

(16) Freddie Clay, M.A., "Minor Women Obtaining Abortions: A Study of Parental Notification in a Metropolitan Area," AMERICAN JOURNAL OF PUBLIC HEALTH, vol. 72, no.3 (March 1982): p. 284. Responses to the question, "What was your mother's/father's reaction to the news of your pregnancy and the decision to have an abortion?" were as follows: Neutral (i.e., "She said it was my decision"), 13% mother, 5% father; Positive (i.e., "He (she) was supportive"), 67% mother, 75% father; Negative (i.e., "She was upset," "It hurt him"), 13% mother, 10% father; Other, 7% mother, 10% father.



MESSAGE to MONTANA LEGISLATORS

(Please Distribute)

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 13 Pg 1 of 27

Honorable Senators

Baer, Brown, Harp and Mohl

DATE 3/16/95

Honorable Representatives

Boharski, Fisher, Herron, Keenan, Sliiter, S. Smith,
Somerville and Wagner

HB 482

SB 292 "Woman's Right-To-Know Act" Giving women considering abortion complete information on alternatives.

HB 442 Physicians Only Clarifying that only physicians are allowed to perform abortions in Montana.

HB 482 Parental Notification Requiring parents be told before a minor be given an abortion in Montana.

The undersigned strongly urge you to PASS the above bills as they come before you in the weeks ahead:

Name

Residential Address

CHARLES J. LORENTZEN

418 4TH ST. E. KALISPELL, MT 59901

Thomas Perry

1557 Church Drive, Kalispell MT 59901

Lois Haag

1120 Hwy 209 Bigfork MT 59901

JOHN R. WEAVER

489 Godelin Ridge Rd Kalispell, MT 59901

Suzanna Ballanca

1655 Lower Valley Rd. Kalispell

Debbie

Kalispell

Bonnie

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

Kalispell

Naileen

1. Falls

Beverly

#11 Kalispell, MT 59901

Brenda Penrock

2323 Whitefish Stage Rd, Kalispell

Janet McCreary

469 2ND AVE E.N. Kalispell

Anthony Bunt

820 Riverside Rd, Kalispell, MT 59901

Kathleen Bunt

" " " " " "

Marianne Kense

1125 Sunnyside Dr Kalispell 59901

Donald L. Kense

1125 Sunnyside Dr. Kalispell MT 59901

Fred Striipp

680-3rd Ave NW. Kalispell

James A. Taliga

340-4th Ave E. #4 - Kal. MT

Larry Waller

Box 171 Kula Mt.

Cal Malberg

310-SEEL FRITZGERD - KAL 59901

are more risky than those performed during the 1st trimester. Abortions performed at 11 or 12 weeks are three time more dangerous than those performed at or before 8 weeks -- although abortion is much less risky than childbirth.

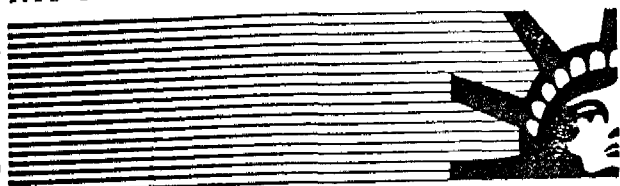
Judicial bypass is not a good substitute for a parent or even a counselor. It is intimidating and ultimately delays the minors' decision making process. That is why America's medical associations looked at the facts, and agreed that while parental involvement - or adult involvement is good, mandating parental notification by legislation is bad.

I am submitting a summary of the groups opposed to mandated notification. The American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the Organization for Obstetric, Gynecological and Neonatal Nurses, the National Medical Association, the American Medical Women's Association, the American Nurses Association, the American Psychiatric Association, the American Psychological Association and the American Public Health Association.

Are you listening to the facts or emotion? I think if you are serious about helping teens and protecting women's health you will listen to the facts and not allow this legislation to pass.

Attachments:

Parental Involvement in Minor's Abortion Decisions S. K. Henshaw and K. Kost Family Planning Perspectives September/October 1992
Medical groups opposing legilated parental notification/consent



TESTIMONY ON HB 482

Chairman Crippen and members of the committee, my name is Eliza Frazer and I am the Executive Director of the Montana affiliate of the National Abortion and Reproductive Rights Action League. Thank you for this opportunity to testify against HB 482.

Its hard to imagine a minor too immature to make the decision whether or not to have an abortion, but mature enough to raise a child." So states the American Psychological Association.

It sounds like a good idea to require a teen to talk to her parents if she is pregnant. Few would deny - in fact all of us on both sides of this debate agree that can minors benefit from adult guidance. Where we disagree is that absolutely all minors benefit from their parents guidance. Legislation is absolute, this says all teens must talk to their parent - or else. Substituting a judge, a total stranger, is not an adequate substitute for an adult that a minor trusts.

The entire premise of this bill is totally flawed. It implies a young woman who does not want her parent involved in a personal decision will change her mind because of this bill. I submit that a minor's decision will be more influenced by the family she know and lives with every day than any legislation that comes out of Helena.

Who are the minors who do not talk to their parents and why? I refer you to a comprehensive study of 1,500 minors nationally in states with not parental notification or consent laws. It found that disproportionately the older teens (age 16 and 17), white and employed, were the ones who did not involve a parent. Of those 14 and under, 90% said one parent knew, of the 17 year olds 51% knew. The most common reason teens cited for not telling their parents was that they did not want to disappoint them. However 30% said they feared harmful consequences. An interesting aspect of the study is that it kept track of those minors who told their parent(s) and those whose parents "found out." When the parents found out 6% of the minors suffered relatively harmful consequences - physical violence, being beaten, or forced to leave home. "These consequences were two to four times as common when the parents discovered the pregnancy as when they were told by their daughter." The study suggests that minors are good at assessing their family.

The other well documented consequence of parental laws is that abortions are delayed. In Missouri and Minnesota the number of teens having second trimester abortions has increased since parental consent and notice laws went into effect. Later abortions

SENATE JOURNAL
EXHIBIT NO. 15
DATE 3/16/95
BILL NO. HB 482

Vivian Brooke
Catholics for a Free Choice

TESTIMONY ON HB 482

Mr. Chair and Members of the Committee:

I'm Vivian Brooke and I'm here today as a member of Catholics For A Free Choice (CFFC). I rise in strong opposition to HB 482.

Catholics for a Free Choice was established in 1973 as an educational organization to support the right to legal reproductive health care, especially family planning and abortion. CFFC shapes and advances sexual and reproductive ethics that are based on justice, reflect a commitment to women's well-being, and respect and affirm the moral capacity of women and men to make sound and responsible decisions about their lives.

CFFC supports good sound decision making in the most important and intimate areas of a young woman's life, but believes that this decision making cannot be legislated nor can good communication between parent and daughter be forced.

On the surface "parental notification" is a noble and worthy goal. And polls presented to you would have you believe that your constituents want a law such as HB 482 proposes. The responses to those polls reflect a vision of the respondents' "ideal" society. In our ideal society we all would like every teenager to be able to talk openly to both of his or her parents. In our ideal society we would like to have loving, caring families with two parents who have no economic or other problems. In our ideal society we all would like to not have sexually active teenagers. In our ideal society we all would like many of these problems to just go away. But as legislators I encourage you to take a good hard look at the real society and consider what facts you have about the serious damage this bill would do.

As lawmakers we must realize that each individual, and that includes teenagers, comes to the difficult decision about terminating a pregnancy through a different route. I compare this serious decision-making as being similar to those individual routes through which we each find our own spirituality and relationship with a Higher Being. Because of this I think any legislation in this area violates one of our most cherished freedoms -- that of freedom of religion. These choices like those of choice of religious beliefs cannot and must not be legislated. I urge you to defeat HB 482.

**Bishops won't tell you,
it CFFC will:**

There is an authentic prochoice Catholic position.

Church law affirms both the right and the responsibility of a Catholic to follow his or her conscience on moral matters, even when it conflicts with church teaching.

Church teaching on sexual and reproductive issues is not infallible. Moreover, the church has no teaching on when the fetus becomes a person.

Abortion can be a moral choice. Women can be trusted to make decisions that support the well-being of their children, families, and society, and that enhance their own integrity and health.

A Catholic who believes abortion is immoral in all or most circumstances can still support its legality.

The Catholic social justice tradition calls us to stand with the poor and other disadvantaged groups. Poor women are entitled to non-discriminatory public funding for childbearing and for their reproductive health, including abortion and family planning.

Catholics have a responsibility to respect the views of other faith groups, which hold a number of different beliefs on the morality and legality of abortion.

True moral decisions can only be made in an atmosphere free of coercion.

Catholics worldwide are prochoice.

Only 13 percent of U.S. Catholics agree with the bishops that abortion should be illegal in all circumstances.

1992 Gallup Survey for Catholics Speak Out

Catholic women use contraception and abortion in the same numbers as the population as a whole.

Goldscheider and Mosher, *Studies in Family Planning*, Vol. 22, No. 2 and *Abortion and Women's Health*, Alan Guttmacher Institute, 1990

In the Republic of Ireland, which is 95 percent Catholic, almost three quarters of the population favor easing Ireland's restrictive abortion laws.

1992 *Irish Independent*

Among Poles, 90 percent of whom are Catholic, 59 percent favor legal abortion.

1991 survey cited by Associated Press in 5/15/91

Nearly four-fifths of U.S. Catholics believe that it is permissible for Catholics to make up their own minds on moral teachings such as birth control and abortion.

1992 Time/CNN

Catholics disapprove of the bishops' tactics in abortion politics.

Nearly three out of four Catholics think the bishops should not use the political arena to advance their moral opinions, despite the bishops' right to participate in the public debate in the United States.

1990 KRC Inc.

Seventy-three percent of Catholics disapprove of the bishops' taking action against public officials for being prochoice.

1990 KRC Inc. poll for CFFC

Within the church, the rift between the hierarchy and the people widens. But in the courts, the Congress, and state legislatures, the bishops are the best organized, most sophisticated and best funded force against basic reproductive health care, including contraception and abortion.

CFFC is here to counter this force.

From the church pew to the Vatican, from the state house to the White House, we monitor and expose the bishops' political agenda.

We are in parishes.

From California to Vermont, prochoice Catholics speak up for reproductive rights. CFFC's network of prochoice Catholic leaders in 35 states monitors the bishops, participates in prochoice coalitions, lobbies state legislatures, and speaks out in the media and in community forums.

We are in clinics.

The abortion decision is serious and difficult. CFFC helps women make sound decisions through respected publications addressing Catholic doctrine and the moral and ethical issues involved in the abortion decision.

We are on college campuses.

On both Catholic and secular campuses, CFFC provides speakers, resources, and technical support to prochoice student groups. We monitor and respond to attempts of the Catholic hierarchy to suppress prochoice activity by Catholic school employees and students.

We are overseas.

CFFC's strong global network of prochoice Catholics includes a staffed office in Latin America and projects in Mexico, Poland, and Ireland.

We are in the media.

From "20/20" to National Public Radio, in op-ed columns, letters to the editor, and news conferences, CFFC provides a prochoice Catholic perspective to media coverage of reproductive issues.

We are in libraries.

Our quarterly newsjournal, *Conscience*, is only one of an extensive collection of CFFC publications that provides diverse constituencies with information and analyses from a prochoice Catholic point of view.

We are in congressional and legislative offices.

CFFC provides lawmakers with information necessary to make sensible public policy decisions and to articulate ethically sound prochoice positions. CFFC works for laws that favor all aspects of reproductive choice and policies that support women, families, and children. We publish a congressional voting record establishing that assailants of reproductive rights are the same members of Congress who oppose legislation that would make abortion less necessary.

We are in coalition.

From Catholic to feminist groups and from Hispanic to prochoice organizations, CFFC works together with special constituencies to secure real choices for women.

We are where the hard decisions are made.

With social justice principles our constant guide, CFFC develops new strategies to carry the prochoice perspective to a broader constituency. We actively seek new and peaceful solutions to the contentious conflict over abortion in our society.



Planned Parenthood of Missoula

EXHIBIT NO. 116
DATE 3/16/95
FILE # HB 482

Thank you Chairman Crippen and Members of the Senate Judiciary Committee. My name is Deborah Frandsen, I am Executive Director of Planned Parenthood of Missoula and I am speaking in opposition to House Bill 482. Planned Parenthood is a family planning clinic which provides services such as pap smears, contraceptives, breast and testicular exams, counseling and education, sexually transmitted disease screening and care and much more. We provide these services on a sliding fee basis and no one is turned away due to inability to pay. We also provide abortions and have been doing so for over a year.

We do not debate the fundamental assumption of this bill, which is that it is preferable for parents to know when their daughter is facing a terribly difficult situation and decision. No one is disputing that. Our contention with this bill is the notion that the government knows best when it comes to families. We contend that the actual family member knows best.

First off, it is essential that you know that most teenagers do tell their parents. At our clinic at least two-thirds do. Those who feel unable to, we designate for extra counseling time and attention. In these counseling sessions we help them sort out their fears, perhaps separating the realistic from the unrealistic, we role-play with them as to how they might tell a parent and we give them help in dealing with the repercussions. They are completely informed of all their options and the risks of both abortion and childbirth.

Also, if at any time a teen tells of us of abuse, we are mandated by state law, as health care providers, to report the abuse to the Department of Family Services.

In the past six months, five girls have not told their parents. Each had a very compelling reason including Catholic parents, Mormon parents, a recent death in the family and a certain fear that the revelation of the pregnancy would lead to her immediately being kicked out of the house.

Also, you must know that teens often come to us very late in their first trimester, perhaps it is denial, perhaps it's fear, but often we have only a few days before they are in their second trimester at which time the procedure becomes increasingly risky, expensive and less available to them. Our concern that the 48 hours can, when combined with weekends, delays, and bureaucracy stretch into days and weeks.

More to the point, our deepest concern is for the teenage girl herself. She may feel that she has been placed in an impossible situation: either forced to tell her



Planned Parenthood of Missoula

Thank you Chairman Crippen and Members of the Senate Judiciary Committee. My name is Deborah Frandsen, I am Executive Director of Planned Parenthood of Missoula and I am speaking in opposition to House Bill 482. Planned Parenthood is a family planning clinic which provides services such as pap smears, contraceptives, breast and testicular exams, counseling and education, sexually transmitted disease screening and care and much more. We provide these services on a sliding fee basis and no one is turned away due to inability to pay. We also provide abortions and have been doing so for over a year.

I have already handed in my general testimony as to why we at Planned Parenthood feel that HB482 is dangerous to girls. Now I would like to explain why it is dangerous to doctors.

Section 8 of this bill, the reporting section, requires that the physician report the number of notifications and exemptions each month and this information will be available to the public. We at Planned Parenthood are extremely concerned that if this information should list the doctor, either by name, location or even by county, it would expose the physician and his or her staff to increased violence.

You are all well aware that violence against abortion providers is on the increase. We know of five murders and several attempted murders in the past two years. Three clinics in Montana have been fire bombed by arsonists and numerous death threats against abortion providers have been received. If you publicly single out abortion providers in any way, you are increasing their exposure and vulnerability. I encourage you to amend this to provide absolute anonymity for abortion providers. Anything less would be tantamount to painting a target on them.



Planned Parenthood of Missoula

parents which could be absolutely explosive or negotiate a legal system where she may feel both overwhelmed and fearful of a loss of confidentiality. When faced with this, she may make a third, very dreadful choice. She may attempt to self-abort or may attempt suicide.

Please, in your sincere desire to help teenage girls, don't pass legislation which could endanger the very lives you are attempting to protect.

HB 482

ACLU

OF MONTANA
AMERICAN CIVIL LIBERTIES UNION

EXHIBIT NO. 11
DATE 3/16/95
FILE NO. HB 482

P.O. BOX 3012 • BILLINGS, MONTANA 59103 • (406) 248-1086 • FAX (406) 248-77

March 16, 1995

Mr. Chairman, Members of the Committee:

My name is Scott Crichton, Executive Director of the American Civil Liberties Union of Montana, celebrating 75 years of defending traditional American values found in the Bill of Rights. I'm here today to voice ACLU's opposition to HB 482.

Let me say at the outset that the ACLU is unequivocally opposed to this bill. There are three major reasons why: forcing parental involvement in a young woman's abortion decision is (1) bad social work, (2) bad medicine, and (3) bad law. Let me explain each briefly.

State-mandated parental notification is bad social work because it does not foster family communication. In fact, it increases family stress, mistrust and violence. There are numerous anecdotal stories of the tragic consequences that parental notification laws have had on the lives of young women. From medical and social work professionals comes overwhelming evidence that the majority of young women willingly involve at least one parent when they seek an abortion, and that those who do not usually have good reasons for keeping the secret.

In an extensive study released in 1992 of unmarried minors having abortions, the Alan Guttmacher Institute found that 61% of respondents said that one or both of parents knew about the abortion. Those who did not tell their parents were disproportionately older (16 or 17), white and employed. Thirty percent of those who did not tell had experienced family violence, feared that violence would occur or were afraid of being ejected from the home. In another recent sample of pregnant inner-city minors in Baltimore, an amazing 91% consulted a parent or a

surrogate-parent before having an abortion or deciding to continue their pregnancy. (It's always struck me as ironic, by the way, that parental consent never seems to be required for a teenager to have the baby -- arguably a far more momentous decision than having an abortion.)

Last year at this time an informal poll of 214 teenagers seeking abortions was conducted at the University of Iowa Hospital. Fifty-four percent were accompanied by a parent, 17% by two parents. Even among those whose parents ~~did not~~ ^{did not} bring them, at least one parent was aware of the minor's intention to have the abortion in nearly 44% of the cases.

Hard as one might wish that passing a bill could turn all of the troubled families we see into loving, helpful and supportive havens, it's just not that easy. There are plenty of social ills for which legislation can provide remedies, but this is not one of them.

The second reason you should not pass HB 482 is that mandatory parental notice is bad medicine. That's not just the ACLU's opinion. It's the position of the American Medical Association, the National Research Council of the National Academy of Sciences, the American Public Health Association, the Society of Adolescent Medicine, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Academy of Family Physicians. Every one of these organizations has adopted policies recognizing the need for confidentiality in adolescents' medical care equal to that enjoyed by adults. While minors should be encouraged to involve their parents, these medical experts say, requiring them to do so may be harmful.

The reason for this impressive outpouring of medical opinion is very simple. To quote the AMA Report on the subject, "...minors should not be forced to undertake measures that may put their health at risk and prevent them from maintaining the necessary degree of privacy in their lives." State-imposed notice requirements deter pregnant young women from seeking the medical

care they need for fear of its being reported to their parents. The inevitable result is more late-teen abortions and greater health risks associated with them.

Thirdly, you should reject this bill because it is bad law. By that I mean that it places the justice system, state court judges, in the untenable and inappropriate position of second-guessing one of the most intimate decisions a young woman, indeed any woman, will ever make.

Under Section 9 of the bill, a minor is permitted to petition the youth court to "bypass" the parental notice requirement if the court determines "that the petitioner is sufficiently mature to decide", or if not mature, there is "clear and convincing evidence of a pattern of physical, sexual or emotional abuse" by a parent or guardian or "the notification of a parent or guardian is not in the best interests of the petitioner."

The folly of casting judges in this role has been attested to by the judges themselves. Judges, you know, are not generally famous for their humility. Yet the trial testimony of six Minnesota state court judges who together heard about 90% of that state's judicial bypass petitions between 1981 and 1985 leaves no doubt that these proceedings are little more than a judicial power grab.

None of the judges could identify one positive effect of the Minnesota law, which allowed a judicial bypass in lieu of two-parent notice. Rather, they confirmed that their dispositions of these cases were likely to be completely subjective, superficial and arbitrary. Several testified that it was demonstrably stressful and traumatic for the minors to reveal the intimate detail of their lives to a stranger. The U.S. District Court found that only an infinitesimal proportion of the petitions were denied, concluding that, in general, only mature minors or those whose best interests would be served by an abortion would initiate the daunting judicial process anyway.

Judicial bypass, therefore, while appearing to carve out a reasonable alternative for those minors who would be especially

harmd by forced parental notification, is really a meaningless exercise, more revealing of the judge's predilections than the merits of the case. It is a foolish use of scarce judicial resources. And, like all obstacles to autonomous decisionmaking about abortion, this process increases delay, medical risks and costs to those least able to bear them.

In conclusion, let me say that as a father I am very lucky to have a frank and honest relationship with my 23 year old daughter. This relationship has improved with age, though I have ~~later~~ been there as a parent, counselor and friend through the years. Today, as it was when she was a teenager, should she be unlucky enough to get pregnant before she is ready, that is fundamentally her business. While I would hope she would share that with me to also making it my business, nothing can convince me that it is any of the government's buisness.

I urge you to vote do not pass on HB 482. Thank you for your time and consideration.



SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 18

DATE 3/16/95

FILE NO. HB 482

721 North 29th Street
Billings, Montana 59101
406 248-36361844 Broadwater Avenue
Billings, Montana 59102
406 656-9980926 Main Street, Suite 17
Billings, Montana 59105
406 248-23731220 Central Avenue
Great Falls, Montana 59401
406 454-34311500 Cannon Street
Helena, Montana 59601
406 443-7676

Written Testimony
Senate Judiciary Committee
March 16, 1995

Intermountain Planned Parenthood is here today in opposition to HB 482. Under the guise of promoting family communication and protecting pregnant teens, this law will have serious consequences for the lives and health of Montana teenagers.

We find that most all teens voluntarily tell one or both parents about their pregnancy and plans for abortion. Of the 144 women age 17 and younger that we saw for abortions in 1994, 136 had involved at least one parent. Of the 8 teens who did not tell their parents, 4 had involved another adult, such as an aunt or school counselor. The reasons why the 8 did not choose to tell their parents were varied, including parental alcohol problems, parents divorce, parents emotional instability from mental illness, and parents poor physical health.

Young women are capable of making their own health care decisions. In counseling sessions we help teens sort out their fears, perhaps separating the realistic from the unrealistic. We role play how they could tell a parent and give them help in dealing with repercussions. Studies note that adolescents are self-observant and able to provide health histories as accurately as their parents. Certainly, if a minor were too immature to decide to have an abortion, she would also not be mature enough to fulfill her duties as a parent.

This bill would increase health risks to minors causing necessary medical care to be delayed and by impairing the ability of health care providers to give quality care. This law would punish young women for becoming pregnant. It would not promote family integrity, improve parent - child communication, or help with the young woman's decision making process.



MONTANA STATE SENATE

SENATOR STEVE DOHERTY
MINORITY WHIP
SENATE DISTRICT 24
HOME ADDRESS:
1531 3RD AVE. SW
GREAT FALLS, MONTANA 59404

COMMITTEES:
JUDICIARY
EDUCATION
RULES
BILLS AND JOURNALS

CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE (406) 444-4800
HOME PHONE (406) 453-7484

20
3/16/95
HB 482

Statement of Senator Steve Doherty on HB482

I have carefully studied this bill. At first glance it appears to deal with a simple issue - kids and parents ought to talk with one another. They especially ought to talk when there are serious crises and important far reaching decisions to be made. Who can argue or find fault with that?

This bill, however, goes to the heart of constitutionally protected and recognized rights. On its face it injects government into the middle of the physician patient relationship - and it does so for no compelling reason.

On its face, it creates a distinct class of Montana citizens who will have their fundamental rights diminished for no compelling reason. The distinct class who will have their rights modified are minors. The compelling reason for doing so is, at its core, private, a family reason - to promote communication within the family.

As applied to Montana, with its distances and multi-county judicial distances the practical effects of this bill will be serious burdens on exercising constitutional rights. Judges in all our counties are not available on a few minutes or hours notice. In these cases, time is critical. Add up a mandatory two day wait and sometimes infrequent schedules of the circuit rider judges, and we have created almost insurmountable obstacles to exercising fundamental rights.

This bill, while laudable on its face, pushes government too far into constitutionally protected (federal and state) grounds.

Steve Doherty

DATE 3/16/95

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB 315 HB 443
HB 336 HB 482

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>Linda Lunday</i>		482	✓	
MARSHA GRAHAM	FLATHEAD PRO LIFE	482	✓	
JONAH Ben. NOAH		482	✓	
ADAM GRAHAM	FLATHEAD TEEN FOR LIFE	482	✓	
DAVID TSLHIDA	SELF	482	✓	
Darrel Adams	SELF	482	✓	
Keith W. McCurdy	SELF	482	✓	
Cindy Delay	SELF	482	✓	
Richard Tappe	MONTANA Right to Life	482	✓	
Tim Whalen	Montana Right to Life	482	✓	
Arlette Mandash	EAGLE Forum	482	✓	
SCOTT R.				
DENISE COFER	FLATHEAD CHAPTER OF CHRISTIAN COALITION	482	✓	
Charles J. Lorenzer	SELF	482	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Andy Klein	Self	482	X	
Lauree Kestrick	Christian Coalition of MT	482	✓	
JAMES A. LOFFTUS	MT FIRE DIST ASSOC	HB315	✓	
Barbara Spivey	Self	HB482	✓	
Jim Hippert	Foremen's Ins. Group	HB443		
Greg Van Housen	State Farm Ins.	HB443		✓
Angeline Denmark	Am. Ins. Assn	HB443		✓
Deborah Fraudsen	Planned Parenthood	HB482		✓
Deyon Hartman	Intermountain Planned Parenthood	HB482		✓
Ally Frazer	MT NARAL	HB482		✓
SHARON HOFF	MT CATH CONF	HB482	✓	
FRANIS COTE	St. Andrew's	HB443	✓	
VIVIAN BROCKE	CATHOLIC FORA CHOICE	HB482		✓
Sandra Hale	SELF	HB 482		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ >

PLEASE PRINT

< ■ >

Check On

Name	Representing	Bill No.	Support	o
Therese Peterson	Self	482	X	
Kim David	Self	482	X	
Freddie Hood	self	482		
John Vandemore	SELF	482	X	
Harmonys	Self	482		
Kate Cholewa	MT Womens lobby	482		
Hawlee Larson	Self	482		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRET

DATE 3-16-95

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: H.S. 336

< ■ > PLEASE PRINT < ■ >

Check On

Name	Representing	Bill No.	Support	Op
Gregory P Mohr	Montana Magistrates Assoc	336		/
Dean Crow	Tokay Bonds	336	X	
Scott RSTVENT	ALLST BONDS	336	X	
Kelly Reisbeck	Big Sky Bail Bonds	336	X	
EARL ROBE	THE BONDSMAN, MISSOULA	336	X	
Jim J. J. J.	Anderson Bonds	336	X	
Mauri Gordon	Gordon Bnd.	336	X	
Roger Walter	Proctor Bond	336	X	
Stinson (Quaker)	SELF	482	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATOR BAER stated judges are very reluctant to enforce Rule 11. Rule 11 would not cover frivolous litigation which could be addressed by a reasonable jury. This bill would go a long way to help the situation.

SENATOR BARTLETT asked SENATOR DOHERTY if his amendments covered the situation wherein either party could be assessed sanctions.

SENATOR DOHERTY answered that his amendments would cover either party.

SENATOR BARTLETT asked if this would apply only if the party had requested a jury in the first instance.

SENATOR DOHERTY answered that that was correct.

Vote: The motion CARRIED on oral vote with SENATORS BAER, ESTRADA, JABS and GROSFIELD voting "NO".

Motion/Vote: SENATOR HALLIGAN MOVED HB 47 BE CONCURRED IN AS AMENDED. The motion CARRIED on oral vote.

EXECUTIVE ACTION ON HB 482

Motion: SENATOR DOHERTY MOVED TO AMEND HB 482.

Discussion: SENATOR DOHERTY presented his amendments, EXHIBIT 4. The first amendment made the notice 24 hours instead of 48 hours. The second amendment page 3, line 19, in addressing coercion, it would insert the language that anyone may not coerce a minor to have an abortion or to carry a child to term. The third amendment would provide insertion of "and provider" after patient names and other identifying information may not be used on the forms. Identifying information about specific providers should not be a necessary requirement. The fourth amendment strikes "48" hours and inserts "24" hours. The fifth amendment deals with the judicial bypass. It strikes the language "by clear and convincing evidence". It is difficult for the court to determine that petitioner is sufficiently mature enough to make a decision on abortion. By requiring a higher evidentiary standard, it will be less likely that a minor would be able to convince the court. The sixth amendment page 4, line 26, strikes the words "a pattern". The current language states that there is evidence of a pattern of physical, sexual, or emotional abuse. He feels any evidence of physical, sexual, or emotional abuse should be considered. The seventh amendment inserts the word "knowingly" when referring to someone performing an abortion. The eighth amendment would strike (2) in its entirety. This subsection would significantly expand medical malpractice proof and allegations. The last amendment page 5, line 19, would address coercion.

SENATOR NELSON asked SENATOR DOHERTY if he would consider changing the language from carrying a child to term to carrying a pregnancy to term.

SENATOR DOHERTY stated he would consider that a friendly amendment.

SENATOR BARTLETT commented on amendment 7. This bill already authorizes a referring physician to give the notice to the parents. The city of Great Falls does not have abortion providers. If a minor goes to her family doctor or the family planning clinic, tests positive for a pregnancy, and elects the option of terminating the pregnancy, she will need to go outside of Great Falls for the abortion. The physician, as this bill stands without the amendment, in Great Falls can give the notice to the parents and then can add documentation to the physician who actually performs the abortion. If the referring physician did not actually give the notice but sent documentation along saying that he or she had, the physician performing the abortion carries out the procedure believing that the notice has been given by the referring physician. The person performing the abortion could still be convicted of a misdemeanor because the referring doctor did not actually give the notice although stating that he had.

SENATOR JABS stated that if (2) was stricken, would there be any other way to enforce this action?

SENATOR DOHERTY stated he would leave the criminal penalties in. By striking this section, any malpractice claim would fall back to the current state of malpractice law in Montana as opposed to creating the presumption of malpractice for these activities. If an individual had a claim that the standards of care were violated, they would still be able to bring that claim. There would not be the presumptions which (2) provides of malpractice.

REPRESENTATIVE DUANE GRIMES commented that the amendments do not substantially change the bill.

Vote: The motion FAILED on roll call vote.

Motion: SENATOR BARTLETT MOVED TO AMEND HB 482.

Discussion: SENATOR BARTLETT presented her amendments, EXHIBIT 5. One amendment would include in the definition of coercion the use of verbal abuse as a type of coercion. Amendments 2 through 4 go to the same issue. They add that the physician's agent or the referring physician's agent could give the notice.

REPRESENTATIVE GRIMES commented on amendment 1 stating that coercion in section 7 is meant to address the circumstances where someone would have a vested interest in someone else getting an abortion. An example would be someone not wanting to pay child support so they would coerce someone to have an abortion. Adding

verbal abuse to coercion would actually strengthen that. He would not want this to affect the legality of the bill.

SENATOR HOLDEN disagreed with the physician's agent being involved in giving the notice.

Vote: The motion **CARRIED** on oral vote with **SENATORS BAER, ESTRADA** and **HOLDEN** voting "NO".

Discussion: **CHAIRMAN CRIPPEN** presented his amendment, **EXHIBIT 6**.

REPRESENTATIVE GRIMES stated the reason Section 12 was removed by House amendment is because he couldn't properly explain it. They were concerned that a legislator would be allowed to intervene in individual circumstances.

Motion: **CHAIRMAN CRIPPEN** MOVED TO FURTHER AMEND HB 482.

Discussion: **SENATOR DOHERTY** stated he had a question regarding a legislator intervening in a case as a legislator. Will the legislator be paid for conducting their legislative activities?

CHAIRMAN CRIPPEN stated he would.

SENATOR HALLIGAN opposed the amendment. He has never seen this as part of any bill and sees it as a terrible precedent in terms of public policy. The courts are used to filing amicus curiae briefs for parties who have very important interest which will add an understanding to the case. Just because a legislator is a legislator does not add to his or her knowledge of the understanding of the constitutional aspects of the legislation. The amendment does not make sense.

SENATOR DOHERTY stated that if there is a constitutional issue and if someone can demonstrate a particular knowledge or expertise to the court, the court will grant them the right to file an amicus brief. Filing an amicus brief is entirely different from being allowed intervention in the case as a party.

CHAIRMAN CRIPPEN asked **Tim Whalen**, **Right to Life Association**, if other states, which have survived constitutional challenge, had these provisions?

Mr. Whalen stated it was a provision based upon a model provision which allowed a legislator to intervene. It is standard because these statues are challenged in court and they have had specific problems in Montana with being able to participate in the litigation. He was personally involved with a Medicaid funding case wherein both the National Right to Life Committee and another pro-life organization tried to file an amicus brief and the federal court refused to allow them to do that. The provision is important because in the physician's only

litigation, the only parties to that litigation were the Center for Reproductive Law and Policy and abortion providers.

Vote: The motion FAILED on oral vote.

{Tape: 2; Side: A} ,

Motion: SENATOR ESTRADA MOVED TO RECONSIDER THE COMMITTEE'S ACTION IN ADOPTING THE MOTION OF SENATOR BARTLETT TO AMEND HB 482.

Discussion: SENATOR BARTLETT stated there may be an opinion expressed that those were minute aspects; however, she does not feel in the daily operation of doctor's offices that this would be minute. They are significant changes which in their own minor way will help to keep health care costs within reason because the physician is enabled to attend to his business and to assign notification of parents to an agent. In the case of verbal abuse, she believes that coercion occurs much more often through verbal abuse than through force or the threat of force.

SENATOR HOLDEN referred to the physician's only bill and commented that this amendment would deteriorate what is being clarified in that bill.

SENATOR HALLIGAN stated they are talking about two different things. The first bill address procedure and not administrative duties.

SENATOR BAER stated that if a doctor accepts the accountability of performing an abortion, he should also accept the same accountability and responsibility for giving the notice required in this bill.

Vote: The motion FAILED on roll call vote.

Motion: SENATOR ESTRADA MOVED HB 482 BE CONCURRED IN AS AMENDED.

Discussion: SENATOR DOHERTY stated this bill in its current form would require a minor to prove to a court the most difficult legal standard required in civil procedure and that is by clear and convincing evidence. It would further require the minor to prove that there was a pattern of sexual abuse. If the idea is to help and protect the minor, we would then require that minor to prove that there was a pattern of abuse when there might have only been one instance of abuse by the parent. It further makes it easier to convict medical providers of information by turning down the "knowingly" amendment and it also makes it easier to bring medical malpractice claims including punitive damages claims for medical malpractice. This creates insurmountable obstacles to an exercise of constitutional rights.

SENATOR GROSFIELD stated he disagreed with SENATOR DOHERTY on all points. On dealing with a pattern of abuse, the key word on page 4, line 27, is "or". This leaves the court with discretion to deal with verbal abuse and any other abuse. Section 10 makes the physicians accountable but it is not insurmountable. According to the Supreme Court, the legislature cannot do anything which makes the access to this right unduly burdensome.

SENATOR HOLDEN commented that according to the testimony, these girls are just not prepared to make a decision about abortion and that is why parental notification is so important.

SENATOR NELSON believed the judicial bypass to be unduly burdensome. It is supposed to be broad and somewhat confidential; however no teen is going to be sophisticated enough to know how to go about getting a judicial bypass. She supports the part that parents ought to be notified but for those in dysfunctional families we need to come up with something which is workable for them.

Vote: The motion CARRIED on oral vote with SENATORS BARTLETT, DOHERTY, HALLIGAN, and NELSON voting "NO".

EXECUTIVE ACTION ON HB 366

Discussion: SENATOR HALLIGAN presented an amendment, EXHIBIT 7. He stated this would make sure that anyone requesting background information from the Department of Family Services make that request in writing.

Motion: SENATOR HALLIGAN MOVED TO AMEND HB 366. The motion CARRIED on oral vote.

Motion/Vote: SENATOR HALLIGAN MOVED HB 366 BE CONCURRED IN AS AMENDED. The motion CARRIED on oral vote.

EXECUTIVE ACTION ON HB 186

Discussion: SENATOR HALLIGAN presented an amendment, EXHIBIT 8. The first amendment was agreed to at the committee hearing.

Ann Gilkey, Department of Family Services, stated the concern by the House was that there would be simply an anonymous referral which wasn't substantiated. They believed that substantiated by the department and by independent corroboration would lead to a double standard.

Motion/Vote: SENATOR HALLIGAN MOVED TO AMEND HB 186. The motion CARRIED on oral vote.

Discussion: SENATOR HALLIGAN commented the other amendment which was discussed at the hearing would be on page 9, line 30, the word "advocate" was struck. That was only because the advocacy program people did not want to be included but they want to make

DATE _____

3/22/95

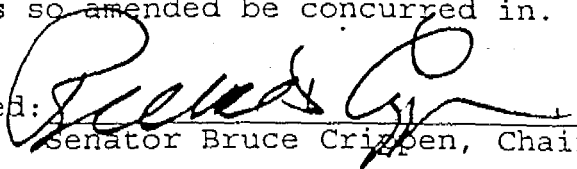
SEN:1995
wp.rollcall.man

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 22, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 482 (third reading copy -- blue), respectfully report that HB 482 be amended as follows and as so amended be concurred in.

Signed: 

Senator Bruce Crippen, Chair

That such amendments read:

1. Page 2, line 12.

Following: "force,"

Insert: "verbal abuse,"

2. Page 2, line 29.

Following: "physician"

Insert: "or the physician's agent"

3. Page 3, line 1.

Following: first "physician"

Insert: "or the referring physician's agent"

4. Page 3, line 3.

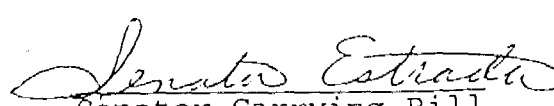
Following: "physician"

Insert: "or the referring physician's agent"

-END-

 Amd. Coord.

 Sec. of Senate

 Senator Estrada
Senator Carrying Bill

661312SC.SRF

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 3/22/95 BILL NO. 482 NUMBER 5

MOTION: Motion Amended - Doherty

hbo 48201.ovl

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN		✓
LARRY BAER		✓
SUE BARTLETT	✓	
AL BISHOP, VICE CHAIRMAN	✓	
STEVE DOHERTY	✓	
SHARON ESTRADA		✓
LORENTS GROSFIELD		✓
MIKE HALLIGAN	✓	
RIC HOLDEN		✓
REINY JABS		✓
LINDA NELSON	✓	

SEN:1995
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5 6

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 3/22/95 BILL NO. HB482 NUMBER 6

MOTION: Estrada - Reconsider
Bartlett Amendment

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN	✓	
LARRY BAER	✓	
SUE BARTLETT		✓
AL BISHOP, VICE CHAIRMAN		✓
STEVE DOHERTY		✓
SHARON ESTRADA	✓	
LORENTS GROSFIELD	✓	
MIKE HALLIGAN		✓
RIC HOLDEN	✓	
REINY JABS		✓
LINDA NELSON		✓

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 3/22/95 BILL NO. HB482 NUMBER 7
MOTION: Estrada BCFAA

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN	✓	
LARRY BAER	✓	
SUE BARTLETT		✓
AL BISHOP, VICE CHAIRMAN	✓	
STEVE DOHERTY		✓
SHARON ESTRADA	✓	
LORENTS GROSFIELD	✓	
MIKE HALLIGAN		✓
RIC HOLDEN	✓	
REINY JABS	✓	
LINDA NELSON		✓

Amendments to House Bill No. 482
Third Reading Copy (blue)

Requested by Senator Doherty
For the Committee on Judiciary

Prepared by Valencia Lane
March 16, 1995

1. Page 2, line 29.
Strike: "48"
Insert: "24"
2. Page 3, line 19.
Following: "abortion"
Insert: "or to carry a ~~child~~ *pregnancy* to term"
3. Page 3, line 27.
Following: "Patient"
Insert: "and provider"
4. Page 4, lines 18 and 19.
Strike: "48"
Insert: "24"
5. Page 4, line 21.
Following: "finds"
Strike: "by clear and convincing evidence"
6. Page 4, line 26.
Following: first "of"
Strike: "a pattern of"
7. Page 5, line 10.
Following: "of"
Insert: "knowingly"
8. Page 5, lines 13 through 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections
9. Page 5, line 19.
Following: "abortion"
Insert: "or to carry a ~~child~~ *pregnancy* to term"

Amendments to House Bill No. 482
Third Reading Copy (blue)

Requested by Senator Bartlett
For the Committee on Judiciary

Prepared by Valencia Lane
March 16, 1995

Passed

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 3/22/95
BILL NO. HB 482

1. Page 2, line 12.
Following: "force,"
Insert: "verbal abuse,"
2. Page 2, line 29.
Following: "physician"
Insert: "or the physician's agent"
3. Page 3, line 1.
Following: first "physician"
Insert: "or the referring physician's agent"
4. Page 3, line 3.
Following: "physician"
Insert: "or the referring physician's agent"

Amendments to House Bill No. 482
Third Reading Copy. (blue)

Requested by Senator Crippen
For the Committee on Judiciary

Prepared by Valencia Lane
March 21, 1995

1. Page 6, line 16.

Insert: "NEW SECTION. Section 12. Right of intervention.

Pursuant to Rule 24 (a), Montana Rules of Civil Procedure, a legislator has the right to intervene in any case in which the constitutionality of Title 50, chapter 20, is challenged."

Renumber: subsequent sections